

NATIONAL DEFENSE UNIVERSITY
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The National Guard:
DoD's Interagency Bridge to Homeland Security

By

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The Contents of this paper reflect my own personal views and are not necessarily endorsed by the Joint Forces Staff College, National defense University or the Department of Defense.

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ABSTRACT

The pendulum has swung back and civil defense is a priority again, although the new terms in the national lexicon are homeland security, homeland defense and civil support. Securing the homeland in America's complex security environment requires Federal departments and agencies, state and local governments, the private sector, and individual citizens to perform many strategic, operational, and tactical level tasks in an integrated fashion. Arguably, the most formidable United States Government (USG) interagency challenge is here in the United States. The National Guard is uniquely positioned to provide the interagency bridge between the inter-governmental (Federal and State/local), inter-departmental (DoD and other Federal departments) and inter-sector (government and private) groups and organizations. The thesis of this paper is: To best support the homeland security interagency process and improve the national unity of effort, DoD should formally assign the National Guard the primary responsibility for homeland security and properly fund it to do so. Inherent in this strategy is the modification of US Northern Command's (NORTHCOM) composition and command structure to best support this responsibility. By providing an analysis of the USG's actions in support of civil defense/homeland security before and after 9/11; the history, roles and responsibilities of DoD and other major stakeholders, this thesis will support and validate the official elevation of the National Guard's role in homeland security and the inherent composition of NORTHCOM.

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Introduction

“The United States, through a concerted national effort that galvanizes the strengths and capabilities of Federal, State, local, and Tribal governments; the private and non-profit sectors; and regions, communities, and individual citizens – along with our partners in the international community – will work to achieve a secure Homeland that sustains our way of life as a free, prosperous, and welcoming America.”

Homeland Security Vision for the United States¹

In the post 9/11 security environment, the United States can no longer consider deterrence, stabilization and warfighting overseas sufficient to ensure domestic tranquility and provide for the common defense. Technology and globalization has brought the threat back to the homeland. The pendulum has swung back and civil defense is a priority again, although the new terms in the national lexicon are homeland security, homeland defense and civil support. A parallel but separate interagency process has been established to focus specifically on homeland security. In addition to the National Security Council, there is now a Homeland Security Council²; a National Strategy for Homeland Security is published to augment the National Security Strategy; the Department of Homeland Security was created to execute the strategy for homeland security³; and the President directed the Department of Defense (DoD) to establish a new geographic combatant command (GCC), U.S. Northern Command (NORTHCOM), assigned to defend the United States and support defense support to civil authorities.

¹The White House, *National Strategy for Homeland Security*. (Washington, DC: Homeland Security Council, March 2007), 13

² Refer to appendix A for a description and comparison of the Homeland Security Council and the National Security Council and their respective interagency processes.

³ Refer to appendix B for an overview of national strategies.

Homeland security should not be viewed as exclusively or even primarily a military task. Securing the homeland, an extremely complex environment, requires Federal departments and agencies, state and local governments, the private sector, and individual citizens to perform many strategic, operational, and tactical level tasks in an integrated fashion. These actions must be synchronized with other activities that are being taken to defend against threats that exist beyond our borders. The challenges and demands associated with this undertaking will require a unique interagency process. Success will depend largely upon the Nation's ability to achieve unity of effort at the Federal, State and local levels of government, as well as with non-government organizations and the private sector.

Arguably, the most formidable United States Government (USG) interagency challenge is here in the United States working with 54 separate sovereign states and territories, not to mention thousands of local jurisdictions, private industry and the American people. The National Guard is uniquely positioned to provide the interagency bridge between the inter-governmental (Federal and State/local), inter-departmental (DoD and other Federal departments) and inter-sector (government and private) groups and organizations. The thesis of this paper is: To best support the homeland security interagency process and improve the national unity of effort, DoD should formally assign the National Guard the primary responsibility for homeland security⁴ and properly fund it

⁴ In the context of this thesis, "homeland security" is used to represent homeland security, homeland defense and civil support when referring to military activities, particularly those of the National Guard.

to do so. Inherent in this strategy is the modification of US Northern Command's (NORTHCOM) composition and command structure to best support this responsibility.

The past decade has seen a myriad of writings and reports from scholars, strategic thinkers and military leaders, providing analysis and recommending reform of the USG's interagency process. Numerous commissions and think tanks have also recommended reform. The increasing volume of work and emphasis on the subject indicates growing concern for evolving our existing national security apparatus to meet the demands of a volatile, uncertain, complex, and ambiguous threat environment.

Efforts have and are continuing to be made by DoD to improve the national security apparatus by better integrating the military instrument of national power into the interagency process. U.S. Southern Command's (SOUTHCOM) Joint Interagency Task Force – South (JIATF-SOUTH) has evolved over the past fifteen years of conducting integrated counterdrug operations into a model of interagency success. SOUTHCOM itself has begun a transformation from its traditional staff organization to an integrated interagency structure. The command structure for the recently established U.S. Africa Command (AFRICOM) consists of a four-star commanding officer with two deputies; a senior Foreign Service Officer and a three-star military officer. The unprecedented creation of a senior, non-Defense Department civilian official in the headquarters chain of command bears observation.⁵

⁵ Jennifer G. Cooke and Kathleen Hicks, "A New U.S. Command for Africa," in *Global Forecast: the Top Security Challenges of 2008* (Washington, DC: Center for Strategic and International Studies, 2007), 41.

Not surprisingly, these examples of interagency cooperation and recommendations for reform focus primarily on operations outside the United States. Yet the biggest and ultimately more important interagency challenge is right here at home. This thesis focuses specifically on domestic operations and the homeland security interagency process. By providing an analysis of the USG's actions in support of civil defense/homeland security before and after 9/11; the history, roles and responsibilities of DoD and other major stakeholders, this thesis will support and validate the official elevation of the National Guard's role in homeland security and the inherent composition of NORTHCOM.

The Domestic Security Environment

You are living in the period of time that will produce more change for humanity than any previous era in history. It is a time of extraordinary importance that will fundamentally reshape almost every aspect of your life during the next two decade.

*John Peterson
The Road to 2015⁶*

Assessing the security environment is one of the most challenging tasks of strategic decision makers. It is a composite of the conditions, circumstances, and influences that affect the employment of capabilities. Their decisions will, either by design or by accident, shape both future conditions and the competitive advantage enjoyed by the nation at the time.⁷ Therefore, an understanding of the security environment within the United States is essential to the analysis of how the military should be structured and integrated into domestic security efforts. This assessment of the security environment includes the current domestic threat (real and perceived), a brief history of civil defense and homeland security, key definitions, the current administration's interagency process, current guidance and authorities, and primary stakeholders.

Review of Civil Defense and Homeland Security

“Strategic decision makers must gain a sense of dynamic forces in their environment to create good strategy. One building block is to obtain a sense of history,

⁶ The Industrial College of the Armed Forces (ICAF), *Strategic Leadership and Decision Making: Preparing Senior Executives for the 21st Century*, (Washington, DC: National Defense University Press Publications, 1997), 17.

⁷ ICAF, 17

coupled with the reflection needed to examine the flow of events over time in order to understand the cause-and-effect linkages that have been operational. A frame of reference must be built.”⁸ Past choices, particularly those since the beginning of the Cold War, have shaped the constraints and opportunities in our present domestic environment. An analysis of the trends and drivers of change in past preparedness policies and efforts provides a frame of reference for today’s decisions and our future efforts.

Defense of the homeland has been the priority of the U.S. military since the founding of the country. Providing for the common defense was seen as such a basic and crucial obligation for the government that the founders included it in the Preamble to the Constitution. The common defense at the time was primarily two things: defeating a foreign invasion and defending against the American Indians. Military forces, to include the state militias (today’s National Guard), were raised by the Congress to protect the country against possible invasion. On the frontier, the Army protected the settlers from the American Indians and often was the only law enforcement. The Congress also authorized the Navy to build blue-water ships to defend America's right to the sea lanes. Through the mid 19th century, the Army and the Navy were the civil defense.

The Reconstruction period after the Civil War prompted changes in defense policy. During this occupation, the Army was used extensively to maintain civil order and to enforce the law. Soldiers were given arrest powers and became involved in traditional police role. Federal troops were often stationed at political events, polling

⁸ ICAF, 19.

places and legal hearings in order to maintain domestic order. In 1878, due to increasing concern that the Army was becoming politicized and straying from its original national defense mission, Congress passed the Posse Comitatus Act limiting the military's role in civilian law enforcement and returning it to its role of defending the borders of the United States.⁹

By the late 19th century, Americans viewed the Navy as the first line of defense and the Army had been reduced to maintaining small garrisons in the West and now-obsolete forts in the East. In 1898, during the six-month Spanish-American war, the Navy handily defeated Spanish fleets off Cuba and in the Philippines, but the 28,000 man Army of the time had to be augmented by a Presidential request for another 183,000 volunteers from the States.¹⁰

The turn of the 20th Century began a new era in homeland defense. The United States obtained the Philippines, Guam and Puerto Rico as result of the Spanish-American War, placing further emphasis on a strong Navy to keep sea lanes open. The newly appointed Secretary of War, Elihu Root, recognized America's emerging role in foreign policy and held the opinion that "the real objective of having an Army is to prepare for war." The Army needed to make a shift from frontier constabulary to an effective expeditionary force for overseas service. This would require a larger and more capable

⁹ The limitations of Posse Comitatus Act did not apply to the state militia and today does not apply to the National Guard if not in a Title 10 status or Coast Guard. Refer to Appendix B for further detail on the current limitations.

¹⁰ Michael D. Doubler, *I am the Guard: A History of the Army National Guard, 1636-2000*, Dept. of the Army Pam 130-1, (Washington, DC: U.S. Government Printing Office, 2001), 129. As in the Civil War, President McKinley again called upon the States to raise volunteer regiments. However this callup stipulated that all the first units come from the existing militia.

regular Army, backed by effective reserves. Among his many reforms, Root played an important role in the development of new policies affecting the state militia. Congress viewed a large Army as too expensive, and inconsistent with America's long political tradition. Consequently, Root was instrumental in the passage of the Militia Act of 1903, which recognized the militia as the federal reserve to the Army. Militia units properly trained and equipped were to be a low cost alternative to a larger, standing Army.

The Spanish-American War also emphasized the thousands of miles of unprotected coasts and resources poured into building new defense fortifications along the Nation's coastlines and around its ports. By 1907, the increasing overseas commitments placed a greater burden on limited coastal defense forces and the Army required additional forces to man the increased number of coastal defenses at home and overseas. Congress passed legislation permitting the state militia to serve in the coastal artillery and eventually half the coastal defenses were manned by state militia.¹¹

The U.S. military had become more expeditionary. In addition to a large battle-tested Navy, guerilla uprisings in the Philippines and the threat of future overseas commitments led to a larger Army. Homeland defense meant forward deployed, however federal strategies to enhance the Nation's preparedness for disaster and attack in the United States would evolve and fluctuate dramatically throughout the 20th Century and into the 21st.

¹¹ Doubler, 150.

World War I introduced a new type of attack, strategic bombing. The Axis and Allied powers employed strategic bombing in Europe throughout the war, but the United States was not yet vulnerable to aerial bombing. When the United States entered the war in 1917, the focus was more on mobilization for the war than protecting the general public.

When the United States entered World War II, an actual invasion of the homeland was still considered unlikely, but the introduction of intercontinental bombers made strategic bombing more probable. The Council of National Defense was reestablished and the States were asked to establish local counterparts.¹² Concerns about authorities and resources began to rise between the federal state and local governments. The states claimed they were not given enough power to manage civil defense tasks in their own jurisdictions, and local governments asserted that State governments did not give urban areas proper consideration and resources.¹³ Throughout the war, the most realistic threats to homeland security were raids or sabotage against key infrastructure. Local authorities argued that police and state troopers were too few and that when the War Department federalized the National Guard¹⁴ it removed the states' only means of securing themselves.¹⁵ In response, 19 National Guard divisions were used to guard beaches,

¹² Thomas J. Kerr, *Civil Defense in the U.S.: Bandid for a Holocaust?* (Boulder, CO: Westview Press, 1983), 13.

¹³ Kerr, 14.

¹⁴ The National Defense Act of 1916 made the militia a Reserve Component of the Army and "National Guard" its official name.

¹⁵ John S. Brown, "Defending the Homeland: An Historical Perspective," *Joint Forces Quarterly*, Issue 31 (Summer 2002): 11.

dams, factories, and railway bridges until civil defense volunteers, the Federal Auxiliary Military Police and the existing factory security forces were trained and incorporated into the defense plans.

In response to the increased concerns of the public and local officials, the Office of Civilian Defense (OCD) was created. Many politicians disliked the program's broad reach and social development programs and felt the program should focus on protective services. What should be considered civil defense was hotly debated. Though the OCD did not fulfill all its goals, it marked the development of concerted civil defense planning effort that would extend into the Cold War.

The first years of the Truman administration were characterized by disagreement over what branch and level of government should be responsible for civil defense. Truman believed civil defense was basically a state and local responsibility and was initially focused on balancing the budget and providing economic aid to Europe. The War Department believed civil defense should be considered a civilian rather than a military responsibility, and its fundamental principle should be "self-help" by individuals and local groups. However, it did concede that the federal government could provide the majority of the necessary resources.¹⁶

Strained relations with the Soviet Union prompted Truman to establish the Office of Civil Defense Planning (OCDP). The OCDP called for the creation of a federal office

¹⁶ Lawrence J. Vale, *The Limits of Civil Defense in the USA, Switzerland, Britain and the Soviet Union*, (New York, NY: St. Martin's Press, Inc., 1987), 59.

of civil defense reporting to the President or Secretary of Defense. It also recommended the federal government should provide civil defense guidance and assistance, but State and local governments handled most of the operational responsibilities¹⁷. Again, concerns were raised about the cost and the scope of civil defense. Some civilian groups feared too much transfer of responsibility to the military could lead to a possible "garrison state".¹⁸

A successful Soviet test of a nuclear device in 1949 inflamed the civil defense debate. Although his administration received criticism from state and local officials and a worried public, Truman maintained his belief, that civil defense should be a State and local responsibility. In 1950, Congress enacted the Federal Civil Defense Act. While the act placed most of the burden of civil defense on the state and local governments, it created the Federal Civil Defense Administration (FCDA) to develop national policy and guidance for the States. The heart of the program however was the establishment of a nationwide shelter system. The program was hampered by two primary struggles from the very beginning: personal liberties and costs.

The challenge was to define the appropriate level of readiness. Even facing the consequences of a possible nuclear attack, the idea of a garrison state emerged again. At what level would people have to surrender their personal freedoms to state control? The

¹⁷ Kerr, 23

¹⁸ Suburban Emergency Management Project (SEMP), "What is Civil Defense?" Biot #243, http://www.semp.us/publications/biot_reader.php?BiotID=243 (accessed 24 February 2008).

reason for assigning civil defense responsibilities to state and local governments was partly to safeguard against the possibilities of a garrison state.

The other equally challenging issue was funding. Planners wrestled with the political question: just how much support should the federal government provide? Concerned with balanced budgets, the economy and eliminating waste the appropriations committees failed to take a long-term view of the future need for civil defense.¹⁹ The concept of "self-help" was adopted.²⁰ For the next 15 years, this would be the pattern of federal policy; Congress remaining reluctant to fund large civil defense initiatives, believing the state and local government should bear most of the responsibility and burden for civil defense. In the minds of the American public, "homeland defense" became "civil defense" and for the traditional military it meant forward deployment.

A series of natural disasters between 1965 and 1969 led the focus of civil defense to include preparation and response for natural disasters. Congress passed the Disaster Relief Act of 1969, which created the Federal Coordinating Officer (FCO), who would manage federal disaster assistance at the disaster area. In 1970, the Nixon administration implemented two significant domestic policy changes; the "dual-use" approach to funding citizen preparedness programs and the replacement of the Office of Civil Defense (established during the Kennedy administration) by the Defense Civil

¹⁹ B. Wayne Blanchard, *American Civil Defense 1945-1984: The evolution of Programs and Policies*, (Emmitsburg, MD: National Emergency Center, FEMA, monograph series 1985), 4.

²⁰ Laura McEnaney, *Civil Defense Begins at Home: Militarization Meets Everyday Life in the Fifties* (Princeton, NJ: Princeton University Press, 2000), 25. The "self-help" concept was a decentralized locally control civil defense with individual responsibility for preparedness.

Preparedness Agency (DCPA) within the Department of Defense. The dual-use philosophy proposed that preparation for any military attacks on the homeland was also preparation for national disasters. From a practical perspective, the dual-use initiative made better use of limited resources and allowed more flexibility and planning for possible future events. The dual-use approach was attractive to the States and encouraged new coordination and participation by the state and local governments in all hazard preparedness activities. However, the emphasis on all-hazards preparedness would soon fade, as the federal government reacted to the increased civil defense preparations in the Soviet Union. Civil defense returned to its original focus of protection against nuclear attacks.

Although the Federal Emergency Management Agency (FEMA) was established during the Carter administration, civil defense planning did not dramatically change. FEMA represented the largest consolidation of civil defense efforts to date and was responsible for coordinating federal emergency disaster relief efforts, but evacuation continued to be the primary focus of civil defense planning and funding remained low.

Although the Reagan administration favored the dual-use approach, its civil defense strategy was essentially a continuation of Carter's. In 1981, Congress amended the 1950 Civil Defense Act mandating all future civil defense funding would be dual-use, but stipulated that planning and funding for peacetime, non-attack disasters could not intentionally detract from attack preparedness programs.²¹

²¹ Blanchard, 22.

The Disaster Relief Act of 1974 was amended in 1988 to become the Stafford Act, focusing again on natural disaster preparedness. The act more clearly defined FEMA's role in emergency management and provided a statutory framework for a Presidential declaration of an emergency or a declaration of a major disaster.²² It stipulated that except in the case of an emergency involving federal property, the governor of an affected state must request such a declaration by the President. The federal resources under this act supplement state and local resources for disaster relief and recovery. The Act also addressed the request and use of DoD assets in disaster assistance.²³

In 1989, FEMA's weak response to a number of natural and man-made disasters led to the development of the Federal Response Plan (FRP). The FRP defined how the federal government would respond to disasters that overwhelmed state and local governments.

Between 1993 and 1996, with the end of the Cold War came a renewed threat of terrorist attacks against the United States. The bombing of the World Trade Center, the sarin subway attacks in Japan, the Oklahoma City bombing and the Khobar Towers bombing, all had a profound effect on U.S. lawmakers and the Clinton administration. The Nunn-Lugar-Domenici Act of 1997 directed DoD to provide Weapons of Mass

²² CRS Report for Congress, "Robert T. Stafford Disaster Relief and Emergency Assistance Act: Legal Requirements for Federal and State Roles in Declarations of an Emergency or a Major Disaster," <http://www.opencrs.cdt.org/document/RL33090/> (accessed December 2007), 1-9.

²³ Ibid, 11.

Destruction (WMD) preparedness training and advice to civilian agencies at all level of government.²⁴ Three years later, this responsibility was transferred from DoD to the Office of Domestic Preparedness (ODP).

In 1998, Presidential Decision Directive 62 (PDD 62) created the Office of the National Coordinator for Security, Infrastructure Protection, and Counter-Terrorism within the Executive Office of the President.²⁵ That same year PDD 63 on Critical Infrastructure Protection was issued requiring the creation of a National Infrastructure Assurance Plan.²⁶ At the same time, the DoD chartered the Commission on National Security in the 21st Century (Hart-Rudman Commission) to examine U.S. national security policy. The commission recommended the creation of a Cabinet-level National Homeland Security Agency responsible for the planning, coordination, and integration of activities involved in “homeland security”. The commission also recommended new priorities for the U.S. armed forces and particularly for the National Guard.”²⁷ The commission recommended the Secretary of Defense, by direction of the president, make

²⁴ U.S. Government Accounting Office, “Testimony, Combating Terrorism, Observations on the Nunn-Lugar-Domenici Domestic Preparedness Program, 1998,” <http://www.gao.gov/archive/1999/ns99016t.pdf> (accessed 24 February 2008).

²⁵ The White House, “Fact Sheet on Presidential Decision Directive 62: Combating Terrorism”, Office of the Press Secretary, 22 May 1998, <http://www.fas.org/irp/offdocs/pdd-62.htm>, (accessed 14 March 2008).

²⁶ *The Clinton Administration’s Policy on Critical Infrastructure Protection: Presidential Decision Directive No. 63*, White Paper, May 22, 1998, http://www.usdoj.gov/criminal/cydercrime/white_pr.htm, (accessed 14 March 2008).

²⁷ Commission on National Security/21st Century, *Road Map for National Security: Imperative for Change* (Washington, D.C.: U.S. Government Printing Office, 15 March 2001), 10.

homeland security the National Guard's primary mission and organize, train, and equip the Guard to successfully fulfill this mission.²⁸

Another prominent commission, the Gilmore Commission, also addressed the National Guard's mission. This congressionally mandated commission presented five annual reports to the President and Congress from 1999-2003. It also recommended, "that the Secretary of Defense direct that certain National Guard units be trained and assigned homeland security missions as their primary missions and provide resources consistent with the designated priority of their homeland security missions."²⁹ The commission described the National Guard as the "the logical 'bridge' between the military and civil authorities."³⁰ An overarching theme in all five reports is that protection of the civil liberties of U.S. citizen is imperative.

In the aftermath of the terrorist attacks of September 11, 2001, homeland security focused on three objectives: counterterrorism, defense against WMD, and the protection of critical infrastructure.³¹ In October 2001, the Office of Homeland Security (OHS) was established to develop and coordinate a national strategy to secure the U.S. from terrorist threats and attacks. In the same month, President Bush also issued Homeland Security

²⁸ *Road Map for National Security*, 25.

²⁹ Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (the Gilmore Commission), *Third Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction* (Arlington, VA: RAND, 15 December 2001), 52.

³⁰ *Ibid*, 51.

³¹ Tom Lansford, "Homeland Security from Clinton to Bush: An Assessment", the White House Studies, Volume 3, Number 4. Nova Science Publishers, Inc. 2003, 286

Presidential Directive 1: “Organization and Operation of the Homeland Security Council”, that established a homeland security interagency process mirroring the National Security Council interagency process.³² In July 2002, the OHS released the National Strategy for Homeland Security (NSHS). The purpose for the NSHS was “to provide a framework to align the resources of the federal budget directly to the task of securing the homeland.”³³ It also proposed establishing a Department of Homeland Security responsible to implement the NSHS and to serve as the primary federal point of contact for State and local governments, the private sector and the American people.³⁴ In November, the Homeland Security Act of 2002 officially established the Department of Homeland Security (DHS). In October 2007, a revised NSHS was issued, directing a more all-hazards, dual-use approach to homeland security and emphasizing a shared responsibility that permeates all levels of our society.

The history of civil defense and homeland security in the United States has been one of frequent policy and organizational change. What has been consistent has been the reluctance of the federal government to take full responsibility and control of civil defense. Since 9/11, the federal government has taken far greater control of policy and strategy, but still defers to the states and localities for execution. Over the past 10 years the National Guard has emerged as one of the most important elements in bridging federal, state and local efforts to secure the homeland.

³² Refer to Appendix A for a description and comparison of the interagency processes.

³³ The White House, *National Strategy for Homeland Security*. (Washington, DC: Office of Homeland Security, July 2002), vii

³⁴ *National Strategy for Homeland Security* (2002), 4-5.

Domestic Threat and Vulnerabilities

“We are a Nation blessed with unprecedented liberty, opportunity, and openness – foundations of the American way of life. Our principal terrorist enemies – al-Qaida, its affiliates, and those inspired by them – seek to destroy this way of life..... Catastrophic events, including natural disasters and man-made accidents, also can produce similar devastating consequences that require an effective and coordinated national effort.”³⁵

The 21st Century security environment is an era of complexity and uncertainty in which the United States faces a myriad of diverse challenges. Threat assessments documented in our National Defense Strategy indicate the U.S. is less vulnerable and less likely threatened by traditional nation-states employing uniformed military formations than by irregular challenges from rogue actors employing unconventional methods.³⁶ We exist in an environment of asymmetric threats. We now realize that we are vulnerable to attacks from within, attacks that can come unexpectedly and that demand a rapid, determined response. The terrorist plot uncovered in the UK on August 10, 2006 reminds us of the ongoing nature of the terrorist threat.

More than six years after the attacks of September 11, 2001, we remain at war with adversaries who are committed to destroying our people, our freedom, and our way of life.³⁷ In the current homeland security environment the United States still faces a persistent and evolving Islamic terrorist threat. Modern technology has leveled the playing field through weapons proliferation and new communications capabilities.

³⁵ The White House, *National Strategy for Homeland Security* (2007), (Washington, DC: Homeland Security Council, 2007), 13.

³⁶ U.S. Department of Defense, *The National Defense Strategy of the United States of America* (Washington, DC: Office of the Secretary of Defense, March 2005), 1-3.

³⁷ *National Strategy for Homeland Security* (2007), preface.

Currently, the most serious and dangerous terrorist threat remains al-Qaida, which is driven by an undiminished intent to attack the homeland.³⁸ In addition to al-Qaida, the Lebanese Hizballah, which prior to September 11, was responsible for more American deaths than any other terrorist organization. Hizballah may increasingly consider attacking the homeland if it perceives the United States as posing a direct threat to the group or Iran, its principal sponsor.³⁹ The United States also is not immune to the emergence of homegrown radicalization and violent Islamic extremism within its borders. In addition to external groups, we also face the homegrown threat posed by domestic terrorists based and operating strictly within the United States. Often referred to as “single-issue” groups, they include white supremacist groups, animal rights extremists, and eco-terrorist groups, among others.⁴⁰

Other future catastrophic events are also a risk to the lives and livelihoods of the American people. In a country as large as the United States, with its varied population, geography, and landscape, despite our best efforts, a wide range of natural and man-made hazards and disasters will occur. While we must continue to focus on the complex and dynamic terrorist threat, we also must address the full range of potential catastrophic events, including man-made and natural hazards and disasters, due to their implications for homeland security.⁴¹

³⁸ *National Strategy for Homeland Security* (2007), 9.

³⁹ *Ibid.*

⁴⁰ *National Strategy for Homeland Security* (2007), 10.

⁴¹ *National Strategy for Homeland Security* (2007), 1.

Since September 11, 2001, our concept of securing the homeland has evolved and we have returned to an all-hazards approach. Naturally occurring disasters encompass a variety of meteorological and geological hazards. Hurricanes account for seven of the ten most costly disasters in U.S. history. Americans in 39 states face significant risk from earthquakes. Although each incident is often less significant than major hurricanes and earthquakes, floods are the most frequently occurring natural disaster and the leading cause of property damage and death from natural disasters in the homeland over the past century. In an average year, more than 800 tornadoes are reported nationwide, resulting in 80 deaths and more than 1,500 injuries. And wildfires remain a persistent hazard throughout many regions of the country.⁴²

Potential also exists for man-made catastrophic domestic incidents involving industrial hazards and infrastructure failures. These include the thousands of chemical spills that occur each year with the potential for significant public health and environmental impacts. In addition, incidents that pose potential threats to our nation's critical infrastructure can lead to significant cascading effects across multiple systems. An estimated 50 million people across eight states and the Canadian province of Ontario were left without electrical power in August 2003 when a utility in Ohio experienced problems that began a chain reaction of events leading to power outages lasting, in some places, several days.⁴³ In many cases, the aging infrastructure itself presents a hazard.

Naturally occurring infectious diseases pose a significant and ongoing hazard. Increasing human contact with domesticated and wild animals (from which many human

⁴² *National Strategy for Homeland Security* (2007), 10

⁴³ *National Strategy for Homeland Security* (2007), 11

diseases emerge), the growing speed and volume of global travel and commerce, and a decline in the development of new infectious disease therapeutics complicate this challenge. In 2003, Severe Acute Respiratory Syndrome (SARS) demonstrated the potential for a global impact of a novel infectious disease. Originating in rural China, SARS resulted in more than 8,000 infections and 800 deaths worldwide and significant economic and social disruptions.⁴⁴ The current focus of concern for doctors and scientist around the world is the avian influenza or “bird flu”. Influenza pandemics have occurred intermittently over the centuries. The last three pandemics – in 1918, 1957, and 1968 – killed approximately 40 million, two million, and one million people worldwide, respectively. History and science suggest that we will face one or more pandemics in this century.⁴⁵

Additionally the National Strategy for Homeland Security identifies several other vulnerabilities that may serve to magnify these threats and further affect our security environment:⁴⁶

- Vast land and maritime borders make it difficult to completely deny terrorists and their weapons access to the homeland.
- Potential waning in the sense of urgency and levels of international cooperation as September 11 becomes a more distant memory and perceptions of the terrorist threat diverge.
- Our ability to collect intelligence on the intentions of our enemies while protecting the civil liberties of Americans.

⁴⁴ *National Strategy for Homeland Security (2007)*, 10

⁴⁵ *Ibid.*

⁴⁶ *National Strategy for Homeland Security 2007*, 6-7

- Barriers to information sharing among Federal, State, local, and Tribal partners and the private sector.

Primary Stakeholders in Homeland Security

Though there are many other stakeholders in the complex homeland security interagency environment within the United States, the following are brief introductions to the primary stakeholders most relevant to the thesis.

Department of Homeland Security

*We will lead the unified national effort to secure America. We will prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation. We will ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free-flow of commerce.*⁴⁷

Department of Homeland Security Mission Statement

Created along with the Homeland Security Council by the Homeland Security Act of 2002, the Department of Homeland Security (DHS) is the primary federal agency⁴⁸ responsible for coordinating all federal homeland security activities to protect the Nation against threats to the homeland (i.e., homeland security). Congress established DHS by merging numerous agencies into a single department. Twenty-two agencies with different missions, operations and cultures were consolidated and realigned into one organization. The creation of the DHS was the largest reorganization of the government

⁴⁷ “About the Department”, U.S. Department of Homeland Security website, <http://www.dhs.gov/xabout/strategicplan/index.shtm> (accessed April 2008).

⁴⁸ The term ‘lead federal agency’ has been replaced in the interagency lexicon by “primary federal agency”.

since the National Security Act of 1947 created the Department of Defense. DHS now employs over 208,000 individuals who are located in every state and many foreign countries making it the third largest cabinet agency.⁴⁹

The National Strategy for Homeland Security defines homeland security as “a concerted national effort to prevent terrorist attacks within the United States, reduce America’s vulnerability to terrorism, and minimize the damage and recover from attacks that do occur.”⁵⁰ Under the provisions of Homeland Security Presidential Directive Number 5 (HSPD-5)⁵¹, as well as the related provisions of the Homeland Security Act of 2002, “the Secretary of Homeland Security is the principal federal official (PFO) for domestic incident management, responsible for coordinating federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. The Secretary shall coordinate the Federal Government's resources utilized in response to or recovery from terrorist attacks, major disasters, or other emergencies if and when any one of the following four conditions applies: (1) a Federal department or agency acting under its own authority has requested the assistance of the Secretary; (2) the resources of State and local authorities are overwhelmed and Federal assistance has been requested by the appropriate State and local authorities; (3) more than one Federal department or agency has become

⁴⁹ Homeland Security Advisory Council, *Report of the Administration Transition Task Force* (Washington, DC: Homeland Security Advisory Council, 2008), 1.

⁵⁰ *National Strategy for Homeland Security* (2007), 2.

⁵¹ Refer to Appendix B, Strategic Guidance and Authorities, for summary of HSPD-5.

substantially involved in responding to the incident; or (4) the Secretary has been directed to assume responsibility for managing the domestic incident by the President.”⁵²

HSPD-5 also directed the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS) and a National Response Plan (NRP). The NIMS is a core set of doctrine, concepts, principles, technology and organizational processes to enable effective, efficient, and collaborative incident management. Nationwide context is an all-hazards, all jurisdictional levels, and multi-disciplines approach to incident management. Incorporated in the NIMS is the Incident Command System (ICS), which is common to response organizations throughout the country. All federal departments are required to adopt the NIMS and to use it in their individual domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation program and activities.

NIMS provides a common framework for domestic emergency management and disaster operations but is not an operational incident management or resource allocation plan. Therefore, HSPD-5 also directed development of a National Response Plan (NRP) to integrate Federal government domestic prevention, preparedness, response and recovery plans into a single all-disciplines, all-hazards plan. In December 2004, the NRP was created, in an attempt to align Federal coordination structures, capabilities, and resources into a unified, all-discipline, and all-hazards approach to domestic incident

⁵² The White House, “Homeland Security Presidential Directive/HSPD-5, Management of Domestic Incidents, February 2003,” <http://www.whitehouse.gov/news/releases/2003/02/20030228-9.html> (accessed April 2008).

management. Built on the template of the NIMS, it was intended to provide the structure and mechanisms for national level policy and operational direction for Federal support to State and local incidents. On January 22, 2008, the National Response Framework (NRF) was published as an updated replacement of the NRP. In combination with the NIMS and building on the existing NRP, the NRF establishes a comprehensive all hazards approach to domestic incident management. In response to homeland security incidents, all federal departments (including DoD) are also required to use the NRF.

Department of Defense

The DoD Strategy for Homeland Defense and Civil Support reiterates protecting the U.S. homeland from attack is DoD's highest priority and the military will continue to contribute to homeland security through its military missions overseas, homeland defense and civil support or support of civil authorities (DSCA). Homeland defense is defined as "the protection of US sovereignty, territory, domestic population, and critical defense infrastructure against external threats and aggression, or other threats as directed by the President."⁵³ DoD is the lead or primary federal department or agency for homeland defense. Civil support is defined as "DoD support to U.S. civil authorities for domestic emergencies and for designated law enforcement and other activities."⁵⁴ DSCA is civil support provided under the auspices of the National Response Plan.⁵⁵

⁵³ U. S. Department of Defense. *Joint Publication 3-27, Homeland Defense*. Chairman of the Joint Chiefs of Staff, (Washington, DC: USGPO, July 2007), glossary.

⁵⁴ U. S. Department of Defense. *Joint Publication 3-28, Civil Support*. Chairman of the Joint Chiefs of Staff, (Washington, DC: USGPO, September 2007), glossary.

⁵⁵ Ibid. The National Response Framework superseded the National Response Plan on 22 March 2007 but this definition still applies. The civil support and DSCA are essentially synonymous.

Homeland security is a national effort between Federal, State and local governments down to the individual citizen. Where DoD is the lead or primary federal agency for homeland defense, it usually provides civil support or DSCA as a supporting agency to other civil authorities (usually DHS). While the homeland security, homeland defense and civil support missions are distinct, some department roles and responsibilities overlap, and operations require extensive coordination between lead and supporting agencies. Operations may occur in parallel and require extensive integration and synchronization. In addition, operations may transition from homeland security to civil support to homeland defense and vice versa with the lead depending on the situation and US Government's desired outcome.

U. S. Northern Command

“USNORTHCOM anticipates and conducts Homeland Defense and Civil Support operations within the assigned area of responsibility to defend, protect, and secure the United States and its interests.”⁵⁶

USNORTHCOM Mission Statement

In response to the increased focus on homeland security, on October 1, 2002, President Bush signed a new Unified Command Plan (UCP) establishing United States Northern Command (NORTHCOM) to provide command and control of DOD's homeland defense efforts and to coordinate defense support of civil authorities. NORTHCOM is the first Combatant Command with exclusive geographic and operational responsibility in the domestic United States in the history of the Unified

⁵⁶ “About NORTHCOM,” U.S. Northern Command Website, <http://www.northcom.mil/About/index.html> (accessed March 2008).

Command Plan, and the commander is the first with exclusive operational authority over domestic military operations since the Civil War. However, Congress has expressly limited domestic military operations through a series of statutes that have subordinated the military to a role of supporting civilian authorities, including other federal agencies and state and local governments. Most notable of the statutes is the Posse Comitatus Act, which limits the role of the U.S. military in civil law enforcement.

“NORTHCOM’s Area of Responsibility (AOR) includes air, land and sea approaches and encompasses the continental United States, Alaska, Canada, Mexico and the surrounding water out to approximately 500 nautical miles. It also includes the Gulf of Mexico and the Straits of Florida. The defense of Hawaii and US territories in the Pacific is the responsibility of U.S. Pacific Command. The defense of Puerto Rico and the U.S. Virgin Islands is the responsibility of U.S. Southern Command. The commander of NORTHCOM is responsible for theater security cooperation with Canada and Mexico.”⁵⁷

Unlike DHS, NORTHCOM has relatively few organic resources. Made up of approximately 1,200 DoD civilians, contractors, and service members from each service component, NORTHCOM has relatively few permanently assigned forces.⁵⁸ If tasked to conduct homeland defense or civil support operations, forces from all branches of the U.S. military, including the U.S. Coast Guard, may be assigned to the Command as

⁵⁷ “About NORTHCOM”.

⁵⁸ “NORAD/NORTHCOM Command Brief,” U.S. Northern Command website, <http://www.northcom.mil/home.html> (accessed March 2008).

needed to complete its mission. It has several subordinate commands to execute its mission. Army, Air Force, and Marine Corps service components are assigned to NORTHCOM, while Navy Fleet Forces Command is a supporting component. These service component commands provide an administrative framework to command service forces allocated for specific contingency operations. Additionally, three Joint Task Forces (JTF) and two Joint Force Headquarters (JFHQ) have been established to provide operational organizational skeletons to oversee forces to be assigned for actual operations.⁵⁹

“NORTHCOM was created for two purposes: to conduct warfighting within the homeland defense AOR and to provide civil support to lead federal agencies when civilian authorities are overwhelmed or a unique DoD capability is required.”⁶⁰ Unique among the other GCCs, NORTHCOM’s area of responsibility (AOR) includes primarily “domestic battlespace” and has the challenge of coordinating its actions with federal departments and agencies, state and local governments, the private sector and most importantly directly with the American people to accomplish its primary mission. Civil support would be at the request of a civilian government department or agency, most often DHS. When conducting its civil support mission, NORTHCOM must understand whom it works for, who works for it, what it can do, what it cannot do, and when it can do all of these things. To be effective, it must learn the language, customs, and goals of

⁵⁹ William Knight. CRS Report to Congress RL34342, *Homeland Security: Roles and Missions for United States Northern Command* (Washington, DC: Congressional Research Service, 2008), 3. Include JTF North, JTF Civil Support, JTF Alaska, JFHQ National Capital Regional, and Standing JFHQ North.

⁶⁰ COL Merrick E. Krause and Dr. Jeffery D. Smotherman, “An Interview with Assistant Secretary of Defense for Homeland Defense, Paul McHale,” *Joint Forces Quarterly*, issue 40 (1st quarter 2006): 12.

its domestic interagency partners. NORTHCOM conducts its civil support mission under the auspices of the NIMS and National Response Framework.

When asked in an interview, “What is unique to your command and AOR?” the current NORTHCOM Commander, replied, “The first and most important challenge and difference is that our AOR is our homeland.... We have, in many ways, a *broader interagency connection* to the rest of our government than our other combatant commands may. We also are limited constitutionally in a way that none of the other regional combatant commands are.... We also have a challenge in that our interagency activity isn’t just with elements of government, but we work with private industry, we work with each of the 54 states and territories, because their roles and responsibilities differ from state to state...”⁶¹

Assistant Secretary of Defense for Homeland Defense

Soon after the establishment of NORTHCOM, the President signed the National Defense Authorization Act for 2003 directing that one of the Assistant Secretaries shall be the Assistant Secretary of Defense for Homeland Defense (ASD-HD). The office of ASD-HD is under the authority, direction and control of the Under Secretary of Defense for Policy and is responsible for the overall supervision of the homeland defense and security activities of the Department of Defense.⁶² The ASD-HD provides oversight to

⁶¹ David A. Gurney, “An Interview with Victor E. Renuart, Jr.,” *Joint Forces Quarterly*, Issue 48 (1st quarter 2008): 42-43. (italics added by author)

⁶² Included in these categories is the responsibility for Defense Critical Infrastructure Protection and DoD’s roles as Sector Specific Agency for the Defense Industrial Base, as well as coordination of DoD assistance to Federal, State, and local officials in responding to threats involving WMD.

DoD homeland defense activities, develops policies, conducts analyses, provides advice, and makes recommendations on homeland defense, defense support of civil authorities, emergency preparedness and domestic crisis management matters within the Department.

As the DoD Domestic Crisis Manager, the ASD-HD provides policy, resource, and planning guidance for DoD homeland defense and civil support activities through the Chairman of the Joint Chiefs of Staff to NORTHCOM and other Combatant Commands, to guide the development and execution of their plans and activities. The ASD-HD also represents DoD on all homeland matters with designated Primary Federal Agencies, the Executive Office of the President, the Department of Homeland Security, other Executive Departments and Federal Agencies, and State and local entities, as appropriate.

The National Guard

The National Guard, the oldest component of the Armed Forces of the United States, traces its history back to the earliest English colonies in North America. Following independence, the authors of the Constitution empowered Congress to “provide for calling forth the Militia to execute the Laws of the Union, suppress insurrections and repel invasions; to provide for organizing, arming, and disciplining, the Militia, and for governing such part of them as may be employed in the service of the United States”⁶³ However, recognizing the militia's state role, the founding fathers reserved the appointment of officers and training of the militia to the states.

⁶³ Constitution, Article I, Section 8.

In addition to its constitutional charter, a variety of statutes have been enacted over the years to better define the Guard's role in our nation's affairs. The dual mission results in each Soldier holding membership in both the National Guard of his or her state and in the U.S. Army or the U.S. Air Force. Detailed federal guidelines, both statutory and regulatory, govern the organization, funding, and operation of the National Guard. While federal regulations dictate much of the Guard's organization and function, control of Guard personnel and units is divided between the states and the Federal Government. For example, the National Defense Authorization Acts specify the number of authorized National Guard personnel (the end strength); however, the states reserve the authority to station units and their headquarters, and federal officials may not change any branch, organization, or allotment located entirely within a state without the approval of the governor. In peacetime, the National Guard is commanded by the governor of each respective state or territory. When ordered to active duty for mobilization or called into federal service for emergencies, units of the Guard are under the control of the appropriate service secretary.

The early 20th century witnessed the foundation of the modern National Guard. The Militia Act of 1903 made the militia the organized trained and equipped federal reserve of the United States Army. With the passage of National Defense Act of 1916, the National Guard became the official name of the organized militia forces. Throughout the century, the Guard participated in every major conflict from the Mexican border crisis to Desert Storm and in several other Cold War era mobilizations. In the 1980s, the Guard began regularly deploying overseas for training in Germany and Central America. In the

1990s, Guard overseas deployments became more than just training, growing to include operational deployments for peacekeeping and deterrence in Bosnia, Kosovo, the Sinai, and along Iraq's northern and southern borders.

The Guard's role expanded even further with 9/11. While remaining the primary combat reserve for the Army and the Air Force, the National Guard is also the primary DoD force supporting the states in homeland security. In addition to deployments in support of federal missions, the Guard plays an extensive and highly visible domestic role. As part of its "dual-mission" responsibilities, the Guard routinely responds to domestic requirements within each state. Whenever disaster strikes or threatens, the National Guard represents the most significant asset governors can rapidly mobilize to provide protection, relief, and recovery. Each day, an average of 17 governors call on their National Guard for domestic support.⁶⁴ With an organized presence in nearly every population center (3,300 locations and in more than 2700 communities) in every state, territory and the District of Columbia, the Guard is the most domestically forward deployed military force in the country. These geographically dispersed forces with links to local communities and ties to state and local governments allow for rapid and integrated responses. Because of its unique dual constitutional authority, the National Guard serves to bridge that "zone of ambiguity" across State and Federal government boundaries.

The National Guard is the only United States military force that operates across both State and Federal responses, leveraging State Active Duty (SAD), Full Time

⁶⁴ National Guard Bureau, *National Guard Posture Statement 2009* (Arlington, VA: NGB, 2008), 2.

National Guard Duty (Title 32), and Active Duty (Title 10). While SAD, Title 32, and Title 10 are different statuses and roles, they provide mutually supporting capability.⁶⁵ While in SAD or Title 32 status, the National Guard is not limited by the Posse Comitatus Act offering operational flexibility to the Government and DoD in civil support missions. Pursuant to recent changes to Title 32 USC, Section 502(f), the National Guard can also perform operational missions authorized by the President or Secretary of Defense in a Title 32 status. Additionally the National Defense Authorization Act 2004 amended Title 32, USC, Section 325 to make it possible for a National Guard officer to be in command of federal (Active Duty) and state (National Guard Title 32 and State Active Duty) forces simultaneously, enabling unity of command when forces in both statuses are employed.

The National Guard Bureau

The National Guard Bureau (NGB) is a joint bureau of the Department of the Army and the Department of the Air Force that conducts all the administrative matters pertaining to the Army National Guard (ARNG) and the Air National Guard (ANG). The Chief of the National Guard Bureau (CNGB) is the senior uniformed National Guard officer, in charge of developing all policies and advising the Secretaries and Chiefs of Staff of the Army and the Air Force on all National Guard issues. The president appoints him in his capacity as Command in Chief.

⁶⁵ Refer to Appendix C for further explanation of National Guard duty status.

Essentially a joint organization since the National Security Act of 1947 and the creation of the U.S. Air Force, the recently passed National Defense Authorization Act for 2008, officially designated the NGB as a joint activity of DoD instead of joint bureau of the Army and Air Force.⁶⁶ It also increases the Chief of the National Guard Bureau (CNGB) grade to General and designates him as a principle advisor to the Secretary of Defense (SECDEF)⁶⁷ through the Chairman of the Joint Chiefs of Staff (CJCS) on matters pertaining to non-federalized NG forces and other matters as determined by SECDEF.

The NGB, both a staff and operating agency, administers the federal functions of the ARNG and the ANG. As a staff agency, the NGB participates with the Army and Air staffs in developing and coordinating programs that directly affect the National Guard. The NGB formulates and administers the programs for training, development, and maintenance of the ARNG and ANG and acts as the channel of communication between the Army, Air Force, and the 50 states, three territories, and the District of Columbia where National Guard units are located. As an operating agency, the NGB is the force provider for the Title 10 support to the Combatant Commanders for the warfight. Domestically the NGB is the primary coordinator of any National Guard homeland security support requirements or requests. In times of emergency, states often call on other states for help through standing agreements or compacts. The largest and best

⁶⁶ *National Defense Authorization Act for Fiscal Year 2008*, HR 4986, 110th Cong., <http://thomas.loc.gov/cgi-bin/query/D?c110:4:/temp/~c110L91AAy::> (accessed March 2008), section 1812.

⁶⁷ *National Defense Authorization Act for Fiscal Year 2008*, section 1811.

known is the Emergency Management Assistance Compact (EMAC).⁶⁸ The EMAC expedites the employment of interstate emergency response assets and may involve all types of support to include the National Guard. The NGB is critical to the coordination of these EMAC requests, particularly large catastrophic incidents that require support from multiple states.

State and Local Government

“To best protect the American people, homeland security must be a responsibility shared across our entire Nation.”⁶⁹

Many pieces of this national emergency response system are already in place. America’s first line of defense is its first responder community; police officers, firefighters, emergency medical providers, public works personnel, and emergency management officials.

State and local governments have critical roles to play in this shared responsibility homeland security. The closest relationship the average citizen has with government is at the local level. State, county, municipal, and local governments understand their communities and the requirements of their citizens. They fund and operate the law enforcement, fire, public health, and emergency medical services that would respond in the event of a terrorist attack or other domestic incident. They will always play a

⁶⁸ Refer to Appendix B for further explanation of EMAC.

⁶⁹ *National Strategy for Homeland Security (October 2007)*, preface from the President.

prominent, frontline role in helping to prevent terrorist attacks as well as in preparing for and responding to a range of natural and man-made emergencies.⁷⁰

The federal government recognizes the roles and responsibilities of State and local authorities in domestic incident management. The Federal Government will assist State and local authorities when their resources are overwhelmed, or when Federal interests are involved. DHS will assist State and local governments in developing all-hazards plans and capabilities, and ensure that state, local, and Federal plans are compatible.⁷¹ The Federal Government maintains a wide array of capabilities and resources that may be made available to States and local governments, but the federal response efforts are designed to complement and supplement, rather than supplant, the State and local response.⁷² The initial responsibility for managing domestic incidents generally falls on State and local authorities.

“American democracy is rooted in the precepts of federalism— a system of government in which our state governments share power with federal institutions. Our structure of overlapping federal, state, and local governance— our country has more than 87,000 different jurisdictions—provides unique opportunity and challenges for our homeland security efforts. The opportunity comes from the expertise and commitment of

⁷⁰ *National Strategy for Homeland Security (October 2007)*, 4.

⁷¹ The White House, “Homeland Security Presidential Directive/HSPD-5, Management of Domestic Incidents, February 2003,” <http://www.whitehouse.gov/news/releases/2003/02/20030228-9.html> (accessed April 2008).

⁷² *National Strategy for Homeland Security (October 2007)*, 33.

local agencies and organizations involved in homeland security. The challenge is to develop interconnected and complementary systems.”⁷³ Each level of government must coordinate with other levels to minimize redundancies in homeland security actions and ensure integration of efforts. The federal government must seek to use state and local knowledge about their communities and then share relevant information with the state and local entities positioned to act on it.

Private Sector

The private sector also must be a full partner in homeland security. The Federal Government recognizes the role that the private sector plays in preventing, preparing for, responding to, and recovering from terrorist attacks, major disasters, and other emergencies.⁷⁴ As the country’s principal providers of goods and services, and the owners or operators of approximately 85 percent of the Nation’s critical infrastructure, businesses have both an interest in and a responsibility for ensuring their own security.⁷⁵ The private sector plays key roles in areas as diverse as supply chain security, critical infrastructure protection, and research and development in science, technology, and other innovations that will help secure the Homeland. It has a wealth of information that is important to the task of protecting the United States from terrorism.

The private sector plays an essential role implementing plans for the rapid restoration of commercial activities and critical infrastructure operations, which can help

⁷³ *National Strategy for Homeland Security* (July 2002), vii.

⁷⁴ Homeland Security Presidential Directive/HSPD-5.

⁷⁵ *National Strategy for Homeland Security* (October 2007), 4.

mitigate consequences, improve quality of life, and accelerate recovery for communities and the Nation.⁷⁶ Owners and operators generally represent the first line of defense for the CI/KR under their control.

The Homeland Security Act of 2002 required DHS to assess comprehensively critical infrastructure vulnerabilities, prioritize protective measures, develop a comprehensive national plan, and craft policies for securing those infrastructures. However, our traditions of federalism and limited government require that organizations outside the federal government take the lead in many efforts.⁷⁷ A close partnership between the government and private sector is essential to ensuring that existing vulnerabilities to terrorism in our critical infrastructure are identified and eliminated as quickly as possible.

⁷⁶ *National Strategy for Homeland Security (October 2007)*, 33.

⁷⁷ *National Strategy for Homeland Security (July 2002)*, 12.

National Guard and Homeland Security

In the current homeland security environment there is a wide range of possible threats. With the concern for the protection of the American public from weapons of mass destruction, civil defense has naturally been a primary focus area. Civil defense however is only one part of the larger spectrum encompassed by homeland security. “In analyses conducted for both the 2001 Quadrennial Defense Review and the global war against terrorism, the U.S. Army Center of Military History added rear area security, border security, aid to the civil authority, internment, humanitarian relief, economic intervention, and domestic disturbances to civil defense in its consideration of homeland defense—the military component of homeland security.”⁷⁸ These elements of homeland security are used as a framework to consider the military—specifically the National Guard—contributions since 9/11 to Homeland Security.

Rear Area Protection

The United States, as with other civilizations throughout history, has always sought to secure its homeland from the ravages of the enemy. Industrialization and globalization have placed even more emphasis on having a secure rear area from which to support defense efforts outside the homeland. Protecting our critical infrastructure and key resources (CI/KR), to include the defense industrial base, is a core homeland security

⁷⁸ John S. Brown, “Defending the Homeland: An Historical Perspective.” *Joint Forces Quarterly, Issue 31* (Summer 2002): 10.

mission.⁷⁹ They are vital to our national security, public health and safety, economic vitality, and way of life.

Our Nation's history prior to 9/11 demonstrates the necessity of National Guard involvement in protection of the homeland. In the immediate wake of the terrorist attacks, Guardsmen again answered the call to duty within hours, many without being ordered. The New York National Guard deployed over 8,000 Guardsmen in a State status to secure the area, assist in search and rescue, and rush in badly needed supplies.⁸⁰ Across the rest of country, over 3,000 Guardsmen within three days and over 5,000 within ten days provided security at nuclear power plants (supporting the Department of Energy), domestic water supplies, bridges, tunnels, border security sites (supporting the Treasury and Customs Service Departments), and military bases across the nation.⁸¹

On 27 September 2001, the President authorized the use of Title 32 to federally fund the National Guard to augment the security at airports across the country and allow the Guardsmen to remain under the control of the governors and assist law enforcement. It also ensured a rapid deployment of forces without the time consuming process of establishing a nationwide Title 10 command structure. By December 2001, over 50,000 Guardsmen nationwide were mobilized in either a federal or a state status to secure the

⁷⁹ The term "key resources" is used in the National Infrastructure Protection Plan and the 2007 National Strategy for Homeland Security; synonymous with key assets.

⁸⁰ National Guard Bureau, "About the Army National Guard," www.ngb.army.mil/about/arng.aspx, (accessed 29 February 2008).

⁸¹ National Guard Bureau, *National Guard Homeland Defense White Paper: September 11, 2001, Hurricane Katrina, and Beyond* (Arlington, VA: NGB, Oct 2005), 3.

country's airports and other infrastructure or provide support to Operation Noble Eagle and Operation Enduring Freedom.⁸²

One specific Operation Noble Eagle mission involved air defense and air sovereignty around major metropolitan areas. Air National Guard (ANG) fighters were among the first in the air after the attacks, maintaining two fighters flying over New York City and four over Washington, DC 24 hours a day, while also flying random patrols over other major cities. Since 9/11, thousands of Air National Guardsmen have been mobilized to operate alert sites and alert support sites in support of Homeland Defense. The ANG has partnered with active duty and reserve forces to provide Combat Air Patrol, random patrols, and aircraft intercept protection for large cities and high-valued assets. The ANG currently flies 60% of the domestic Combat Air Patrol. The ANG has assumed the responsibility of all ground alert sites and some irregular combat air patrol periods.⁸³ In November 2006, the National Guard assumed command and control of the air defense mission of Washington, DC from the active component. It had provided the air defense artillery manpower and equipment under the command and control of the active component since 9/11 and is now in charge of the entire operation.⁸⁴

The airport security mission ended in June 2002, but the National Guard continues to support the states and the nation in large numbers, protecting the country's critical infrastructure and key assets. In New York armed Guardsmen have been on duty

⁸² About the Army National Guard, www.ngb.army.mil/about/arng.aspx.

⁸³ National Guard Bureau, *National Guard Posture Statement 2008* (Arlington, VA: NGB, 2008), 3.

⁸⁴ National Guard Bureau, *National Guard Magazine*, January 2007, (Arlington, VA: NGB, 2005), 4.

every day throughout the state since 9/11. As of 29 February 2008, there were 470 New York Guardsmen on duty conducting critical infrastructure and key assets protection missions throughout the state. Another 127 were on duty in three other States.⁸⁵

Defense against ballistic missile attack is a key component of the National Security Strategy in providing for Homeland Security. The National Guard plays a major role in this mission as the force provider for the Ground-based Midcourse Defense system. The first ground-based Midcourse Defense Brigade was activated at Peterson Air Force Base, on 16 October 2003 and is manned both by Colorado Army National Guard and active-component soldiers. Another component of the brigade, the Alaska Army National Guard Missile Defense Space Battalion, is located at Fort Greely, AK and provides operational control over ground-based interceptors located in Alaska. Soldiers assigned to Ground-based Midcourse Defense perform two missions:

- Federal Military Mission—The federal military mission is to plan, train, certify, secure, inspect, coordinate, and execute the defense of the United States against strategic ballistic missile attacks by employing this system; and
- State Military Mission—In accordance with Title 32, the state military mission is to provide trained and ready units, assigned personnel, and administrative and logistic support.⁸⁶

Additionally National Guardsmen who have performed overseas combat duty in the past five years have unique skills that are in short supply in the civilian community. Guardsmen who were heavily involved in foreign port security operations, for example, can contribute significantly to domestic port security vulnerability assessments and help

⁸⁵ NGB Domestic Operations daily push, received 29 Feb 08. Author received via email daily.

⁸⁶ National Guard Bureau. *National Guard Posture Statement 2007* (Arlington, VA: NGB, 2008), 10.

construct critical infrastructure and key asset protection plans for state and local governments. The National Defense Authorization Act of 2005 included modifications to Title 32 United States Code that allow for an enhanced role of the National Guard in assessing and protecting critical infrastructure. As a result, the National Guard has formed Critical Infrastructure Protection – Mission Assurance Assessments (CIP-MAA) detachments. They are joint seven man teams consisting of a team leader, mission analyst, electrical specialist, transportation specialist, water, and heating, ventilating and air conditioning specialist, communications specialist, and a petroleum, oil, and lubrication specialist. Their mission is to conduct all-hazard assessments on critical defense industrial infrastructure in support of the Defense Critical Infrastructure Program (DCIP). There are currently six teams, one each in California, Colorado, Georgia, New York, Minnesota and West Virginia. The objective is to establish four more, one in all 10 FEMA regions.

Protection of CI/KR is not only physical protection, but cyber as well. “Many of the Nation’s essential and emergency services, as well as our critical infrastructure, rely on the uninterrupted use of the Internet and the communications systems, data, monitoring, and control systems that comprise our cyber infrastructure. A cyber attack could be debilitating to our highly interdependent CI/KR and ultimately to our economy and national security.”⁸⁷ The new Cyber Command will pull heavily on guardsmen and reserves who are crucial employees in the IT world. In 2006, the Guard Bureau created 54 Computer Emergency Response Teams (CERT) to mitigate the effects of computer

⁸⁷ National Strategy for Homeland Security (2007), 28

and communications network attacks. The initial capabilities are purely defensive and don't constitute a digital attack force.

Civil Defense

For much of the nation's history civil defense was considered a subset of rear area protection. That mindset changed during and subsequent to World War II with the advent of long range strategic bombing and the development of the atomic bomb. With virtually no warning, the civilian population could be targeted with weapons of mass destruction.

“During the Cold War, the main challenge facing the United States was deterring the former Soviet Union from using weapons of mass destruction (WMD) against the United States and its allies. Today, the United States faces a greater danger from an expanding number of hostile regimes and terrorist groups that seek to acquire and use WMD.”⁸⁸ In addition, we also face a potential threat from domestic based terrorist groups.⁸⁹ The information age and advanced technologies have made it easier to acquire and/or develop weapons of mass destruction. The National Guard continues to prepare for its role in responding to potential WMD incidents.

The first World Trade Center bombing in 1993, followed by the bombing of the Federal Center in Oklahoma City, emphasized an already growing concern for America's

⁸⁸ 2006 QDR, 32.

⁸⁹ *National Strategy for Homeland Security* (2007), 10.

vulnerability to terrorism and WMD. As a result, in 1996 Congress charged DoD with the new mission of domestic antiterrorism and in 1999 the National Guard Bureau began organizing WMD Civil Support Teams (WMDCST). The WMDCSTs are congressionally mandated to perform duties in Title 32 status and in 2001, full authority for administering, programming and overseeing these units passed from DoD to the National Guard Bureau. The WMDCSTs are still required to be certified by Secretary of Defense before they are made operational; the National Guard Bureau oversees the programmatic administration and operational coordination of Civil Support Teams nationwide. Funding goes straight to the NGB to be used specifically for the WMDCST program.

The WMDCSTs are manned with full-time active duty personnel whose mission is to assess a suspected CBRNE incident, advise civilian authorities, and expedite the arrival of additional military personnel. Each team consists of 22 personnel and is equipped with CBRNE detection, analysis, and protective equipment.⁹⁰ The WMDCSTs provide specialized capabilities designed to support civil authorities at domestic Chemical, Biological, Radiological, Nuclear, and High-yield Explosives (CBRNE) sites, actual or suspected, to identify dangerous substances, assess the potential effects of those substances, advise local authorities on how to manage those effects, and assist with appropriate requests for additional support.

⁹⁰ CERFP fact sheet, <http://www.ngb.ngb.army.mil/features/HomelandDefense/wmdcst/factsheet.html>, NGB website, accessed Feb 08.

By law they operate within the geographical limits of the United States, its territories, and the District of Columbia, in support of emergency preparedness programs to prepare for or to respond to any emergency involving the use of a weapon of mass destruction or a terrorist attack or threatened terrorist attack in the United States that results, or could result, in catastrophic loss of life or property. Though funded and trained by the federal government, the CSTs are Title 32 assets. It is the state governor who approves requests for assistance by civil authorities. Congress has authorized 55 WMD CSTs, to ensure at least one in each state and territory. Of the 55 teams authorized, 52 have received certification of the requisite training and equipment. The remainder are still being staffed and equipped⁹¹.

In 1996 in response to Presidential Decision Directive 39, the Marine Corps established the Chemical-Biological Incident Response Force (CBIRF). It's a self-contained unit of 375 marines and sailors that can counter chemical/biological terrorist threats with capabilities that include: chemical/biological agent detection and identification, decontamination, emergency medical treatment and triage, search and rescue, and casualty evacuation assistance. Although CBIRF can perform its primary missions, today's potential chemical and biological threat has expanded the scope of the required response. CBIRF would respond with critical resources as needed, but its capabilities may be quickly overwhelmed.⁹²

⁹¹ CERFP fact sheet, <http://www.ngb.ngb.army.mil/features/HomelandDefense/wmdcst/factsheet.html>, NGB website, accessed Feb 08.

⁹² Adrian A. Erckenbrack and Aaron Scholer. "The DOD Role in Homeland Security." *JFQ: Joint Force Quarterly* issue 35 (Autumn 2004), 40.

To address this potential gap, the National Guard has developed the CBRNE Enhanced Response Package (CERFP) to augment the WMD CSTs. The CERFP is a task force that provides a command structure designed to bring in Army and Air Guard units with search and rescue, decontamination, and medical capabilities to operate in a contaminated environment. The search and extraction element is assigned to an Army National Guard Engineering Company, the decontamination element is assigned to an Army National Guard Chemical Company, and the medical element is assigned to an Air National Guard Medical Group.⁹³ Security duties for the incident site and the four CERFP elements are performed by the state National Guard Response Force (NGRF)⁹⁴. Since the CERFPs are formed from already-existing units, the cost for the addition of this critical capability is modest. In 2006, Congress authorized 17 CERFPs. As of March 2007, there were 12 validated CERFPs regionally dispersed across the country with the five additional units authorized and funded by Congress. Working with the WMD CSTs and the NGRFs, the CERFPs provide a regional CBIRF-like capability for the country.

In planning for a catastrophic event or in the case of multiple events that exceed the capabilities of the CERFPs and CBIRF, NORTHCOM is building three much more robust task forces called CBRNE Consequence Management Response Force (CCMRF). As of September 2007, they had notional sourcing to fill one of these forces.⁹⁵ DoD has

⁹³ CERFP fact sheet, <http://www.ngb.ngb.army.mil/features/HomelandDefense/cerfp/factsheet.html>, NGB website, accessed Feb 08

⁹⁴ To be defined in a subsequent section.

⁹⁵ David A. Gurney, "An Interview with Victor E. Renuart, Jr.," *Joint Forces Quarterly*, Issue 48 (1st quarter 2008): 41.

made a commitment to fill the other two.⁹⁶ In the effort to fill these shortfalls, all the services and components have been tasked to provide forces. Based on its dual federal-state mission and Constitutional and congressional authorities, the use of the National Guard for this particular mission if properly funded makes sense.

Defense Support to Civil Authority

Since before the Revolutionary War, Americans have been suspicious of military intrusion into civilian affairs and the passage of the Posse Comitatus Act in 1878 formally excluded the Army from local law enforcement support or activities.⁹⁷ The fact that Posse Comitatus does not apply to the National Guard while in a Title 32 status gives Governors the operational flexibility to deploy federally funded essential military assets and personnel under State control in support of State and local law enforcement authorities. The Guard has been very active in this status since 9/11.

Within days three days of the 9/11 attacks, National Guard Military Intelligence linguists were supporting the law enforcement agencies conducting the terrorism investigation. Within the next few weeks, in order to get the air traffic flowing and protect the American people, Guardsmen in every state were performing airport security and surveillance. The Guard performed this mission for eight months, with up to 8,200 soldiers on duty in Title 32 status, before transferring responsibility to the newly

⁹⁶ Ibid, 42

⁹⁷ Title 10 precludes all DoD forces from law enforcement activities.

established Transportation Security Administration (TSA)⁹⁸. During that time, the National Guard presence was a major contributor to helping restore the public confidence in air traffic security.

Initiated in 1998, the National Guard Counterdrug Program is part of the national drug control strategy. Although an existing program, the counterdrug operations have grown in size and emphasis post 9/11. Like the WMDCSTs, the mission is conducted in Title 32 status and DoD provides funds on a yearly basis to state governors who submit plans specifying the usage of each state's National Guard to support drug interdiction and counterdrug activities. A separate office was created with the National Guard Bureau's joint staff to manage this mission. As part of the Joint Staff's Domestic Operations, (J-3) staff, the Counterdrug Division is staffed by both Army and Air National Guard officers and NCOs, who manage this ongoing nationwide program, distributing guidance and funding under strict guidelines to the individual states. In every state in the union, both Army and Air National Guard assets work together to support civilian law enforcement in the war on drugs. The vast majority of NORTHCOM's JTF-N (formerly JTF-6) counterdrug mission accomplishments are conducted by the Guardsmen in a Title 32 status.

National Guard support to National Special Security Events (NSSE)⁹⁹ has become commonplace. The U.S. Secret Service is the lead federal agency for all NSSEs and

⁹⁸ TSA is an agency within DHS.

routinely needs additional security and law enforcement capabilities for large events. The flexibility of operational Title 32 status in these events again proved to be an effective means for the domestic employment of National Guard forces in support to civil authorities.

The 2002 Winter Olympics Games in Salt Lake City were the first NSSE after 9/11. Scheduled to take place just five months after the attacks, the Games were not only a domestic security concern, but had international implications as well. More than 5,000 Army National Guard soldiers from 19 states provided security on the ground while Air National Guard pilots flew air patrol missions over specially-designated Olympic airspace. Six WMDCSTs were also deployed to Utah by the NGB. In addition to the US Secret Service, other departments and agencies supported included the Utah Olympic Public Safety Command, the Federal Bureau of Investigation (FBI), the State of Utah, and the local safety and law enforcement agencies of the five-county area of operation. This interagency effort also included nonmilitary emergency and law enforcement support from others states across the Nation.

The Games were conducted without any major incidents or interruptions at any of the venues. The security operations for the Games were an overwhelming interagency success. Building on the lessons learned from the 1996 Olympic Games in Atlanta, the unity of effort among the disparate departments and agencies was exceptional; however one of the primary concerns noted in the military after action review was the challenge of

⁹⁹ An NSSE is a status declared by the Secretary of Homeland Security for certain events of national significance that are considered attractive targets due to their visibility or political connection.

unity of command. Joint Task Force Olympics (JTF-O) had been established prior to 9/11 by Joint Forces Command¹⁰⁰ (JFCOM) to provide Title 10 support to the Games. The law enforcement aspect of the requested support required the use of Title 32, creating a bifurcated chain of command.

The next major National Guard support to an NSSE was in June, 2004 during the G-8 Summit held at Sea Island, Georgia; another NSSE with international focus. At the peak there were over 5,000 Title 32 National Guard and just under 2,500 Active Component Title 10 forces supporting the event. The defense and security missions included support to the Federal Bureau of Investigation (FBI), United States Secret Service (USSS), the Department of State (DoS), the State of Georgia, several counties along the Georgia coast, and the cities of Savannah and Brunswick. Specifically notable was the military command structure used for this NSSE. At the request of the Secretary of Defense, the President authorized a Georgia Army National Guard brigadier general to command not only the Army and Air Guard forces, but also the Active Army and Air Force, Marine Corps, Navy and Coast Guard forces deployed in support of the event.¹⁰¹ This was the first use of this dual status or “dual hat” command, which gives the commander authorities over both Title 32 and Title 10 forces. This dual hat command structure was so successful at the G-8 Summit that it was subsequently used for the Republican and Democratic National Conventions later that year. Other NSSEs the Guard has supported over the past

¹⁰⁰ This was pre-NORTHCOM.

¹⁰¹ CNGB’s 31 January 2007 statement before the Commission on the National Guard and Reserves on proposed changes to the National Guard, 8.

six years include the State funeral of President Reagan, several Super Bowls, and the Presidential Inauguration.

The aforementioned events are examples of some of the more visible events. Day in and day out Guardsmen across the country, in their dual role as the Governors' military forces, are providing support to their state and local civil authorities in a broad variety of events.

Border Security

Prior to 9/11, border security had not been an essential feature of National security since the pursuit of Poncho Villa in 1916-17, during which over 158,000 National Guardsmen were mobilized to secure the border and back the regular forces.¹⁰² However since 9/11, an increasing emphasis has been placed on security of both our northern and southern borders.

From November 2004 through January 2005, in Operation Winter Freeze, the National Guard and the U.S. Customs and Border Protection (CBP)¹⁰³ joined forces to keep potential terrorists and weapons of mass destruction from being smuggled in from Canada across a 295 mile section of the border from the eastern tip of the Lake Ontario and the New Hampshire-Maine border. The National Guard JTF consisted of nearly 250 Army and Air Guardsmen from 20 states, performing primarily aviation surveillance

¹⁰² Doubler, 161.

¹⁰³ CBP is an agency in DHS.

support.¹⁰⁴ They filled the CBP's limited aviation capability gap. NORTHCOM's JTF North was to provide the command and control, however once again due to the law enforcement aspect of the support to CBP, the Guard was used in a Title 32 status and preformed the mission under the control of the governor of Vermont. For the fourth time a National Guard senior officer was used in a dual status to command and control both Title 32 and Title 10 personnel. The JTF commander estimated a saving of over \$8 million resulted from the combining the command and control structure.¹⁰⁵

On 25 May 2006, the President called on the National Guard again, authorizing up to 6,000 Guardsmen in a Title 32 status to support the CBP again, but this time on our southern border. The four Border States, CBP and the National Guard Bureau coordinated with other state governors and adjutants general nationwide to deploy National Guard troops in support of Border Patrol operations. This two-year mission, Operation Jump Start, is designed to augment current CBP force as an additional 6,000 Border Patrol agents are hired and trained. National Guard units assist CBP with logistical and administrative support, operating detection systems, providing mobile communications, augmenting border-related intelligence analysis efforts, and building and installing border security infrastructure. As of February 2008, operational successes directly supported by Guardsmen include:¹⁰⁶

- Alien Apprehensions 5,003
- Vehicle Seizures 110

¹⁰⁴ Using specially equipped rotary and fixed-wing surveillance aircraft from the counter-drug program.

¹⁰⁵ The On Guard Newspaper, Volume XXXII, 12 December 2004, 6.

¹⁰⁶ Office of the Border Patrol, *Operation Jump Start Status Brief*, report period from 02/21/08 to 02/17/08, 1. Received weekly by author via email.

- Marijuana Seizures (lbs.) 28,577
- Cocaine Seizures (lbs.) 1,447
- Currency Seizures \$11,052
- Alien Rescues 31

Humanitarian relief

The military has traditionally come to the aid of Americans in danger or under duress because of natural or manmade disasters. The varying climate and landscape of the United States make for the potential for a wide variety of disasters across the country and more often than not, calling out their National Guard for support is one of the Governors' first responses. Every year thousands of Guardsmen assist authorities with wildfires and the inevitable subsequent floods and mudslides in the western States. In the Midwest, they are also among the first to respond after a tornado or storm. From floods in the Appalachians to blizzards in the Rockies to contaminated water in the desert Southwest, humanitarian relief is a routine part of the National Guard dual mission.

Hurricane relief in the Gulf Coast States was among the more notable of humanitarian efforts in the past six years. At no time are the Guard's reliability, flexibility and capability more apparent than during major disaster relief efforts like the hurricane response and recovery operations in September 2005. Hurricanes Katrina and Rita marked the largest deployment ever of National Guard troops in response to a natural disaster.¹⁰⁷

"The military response to Hurricane Katrina was wholly dependent upon the effective integration of unprecedented National Guard capabilities. The Katrina response was the

¹⁰⁷ About the Army National Guard, (history since 9/11) www.ngb.army.mil/about/arng.aspx, 2.

largest, fastest civil support mission in the history of the United States. We deployed 72,000 military forces in just over 10 days. Of the 72,000 forces deployed, 50,000 were drawn from the National Guard, 22,000 from our Active Component.”¹⁰⁸

Use of the Emergency Management Assistance Compact (EMAC) was essential to this historic mobilization. Army and Air Guard members from every state, territory, and the District of Columbia gave assistance to Gulf Coast states via EMAC agreements allowing governors to call on neighboring states for help without having to surrender control of the recovery effort to federal authorities.¹⁰⁹ Hurricane Katrina particularly highlighted the absolutely critical role which the National Guard Bureau needs to play in advising, assisting and monitoring interstate loans of National Guard assets under this system. With the nation at war, the NGB was essential in ensuring that while the military support requirements in the affected area were met, the combat readiness of units about to deploy overseas was not degraded. Additionally the states devastated by the hurricanes were not able to effectively initiate specific and detailed request for support. The NGB was able to facilitate the state support missions by converting the affected area’s general request for help into an orchestrated nationwide series of specific requests.

The year prior had also demonstrated the effectiveness of EMAC and the NGB’s role in the response coordination. Although overshadowed by 2005, the 2004 Hurricane season was also one of the worst on record. Within a five week period four hurricanes hit

¹⁰⁸ Merrick E. Krause and Jeffery D. Smotherman, “An Interview with Assistant Secretary of Defense for Homeland Defense, Paul McHale,” *Joint Forces Quarterly*, issue 40 (1st quarter 2006): 13.

¹⁰⁹ About the Army National Guard, (history since 9/11) www.ngb.army.mil/about/arng.aspx, 2.

Florida, three of which also caused severe damage in Alabama and Georgia also. Based on existing contingency plans, Florida, Alabama, Georgia and the NGB were able to quickly coordinate with FEMA and other State and Federal agencies. Florida received help from 35 states during the 2004 hurricane season.

The National Guard in each state is immediately available to provide local governments disciplined manpower with inherent structure and supervision. In addition to security, they can restore power, remove debris, and provide food, water, sanitation, temporary shelter and transportation, as well as other capabilities that are frequently in short supply during a disaster response, such as water purification units, deployable medical assets, and horizontal engineers. Whatever else Guardsmen are doing, they can anticipate they will also be involved in humanitarian relief at home.

Economic Intervention

In addition to humanitarian relief, there are long-term efforts conducted by the military that improve the physical well being of the public. Intervention in the economy can be characterized as collateral or programmed.¹¹⁰ Collateral intervention is an infusion of money into the local economy by the presence of the military. Military pay supports local merchants, commercial ventures and real estate, while base logistics contracts for construction, provisions, service, etc. provide jobs and bring more revenue into the communities. While the majority of large infusions in fewer areas across the

¹¹⁰ John S. Brown, "Defending the Homeland: An Historical Perspective," *Joint Forces Quarterly* 31 (Summer 2002): 15.

country come for the active component, National Guard units and installations have a smaller but more widespread effect, often in more rural, lower income areas that benefit immensely from the resources. Additionally, often the military occupational skills of many of these citizen soldiers, e.g., law enforcement, engineering, fire fighting, nursing, heavy equipment operation, management and leadership, are integral to local businesses or government, improving the local economy and services.

Often economic intervention is more deliberate or programmed. “The premier military agency responsible for such programmed intervention is the U.S. Army Corps of Engineers. In the pursuit of strategic infrastructure, the Corps of Engineers has surveyed railroads, dug canals, erected public buildings, built roadways and bridges, constructed dams, improved ports and rivers, and reclaimed wetlands.”¹¹¹ The Guard participates in similar programmed activities as part of the Innovative Readiness Training (IRT) program. While providing valuable training opportunities for National Guard soldiers and airmen, the IRT program offers incidental benefits to the communities. Horizontal and vertical construction Engineers units for example, construct fencing, build roads, and create drainage ditches which will help U.S. immigration officers to more effectively patrol the United States-Mexico border or improve roads, trails, bridges, and parking areas in State or National parks. A medical unit may provide medical care to under-served American Indian populations. A well digging unit provides a well for the local municipality. While training their core competencies, they are helping the community. More than 7,000

¹¹¹ Brown, 15.

Guardsmen from over half the states and territories participate annually in missions that integrate required training into community support projects.

Domestic disturbance

Preserving domestic tranquility is a constitutional mandate. From the Whiskey Rebellion of 1794 to the Los Angeles riots of 1992, soldiers have more frequently been involved in restoring law and order than contending with foreign enemies.¹¹² Some of the more notable examples occurred in the 1960s during the civil rights movement and anti-war protests. The vast majority of such missions have gone to the National Guard under state control.¹¹³ In 1968, nearly 105,000 Guardsmen were committed on seventy-seven different occasions to riot duty in states and the District of Columbia.¹¹⁴ In 1992 during the Los Angeles riots, the most violent and widespread since the 1960s, more than 10,000 California Guardsmen were called to duty.

Fortunately no domestic disturbances of this magnitude have occurred since the Los Angeles riots, but the Guard continues to ready itself should it be required for such duty. The National Guard Reaction Forces (NGRF) are a trained and ready force able to provide Governors with quick reaction and rapid response capabilities in each state or territory. Formed from current units and personnel resources, the NGRFs are temporary task forces and perform their mission primarily under the command and control of the governors

¹¹² Brown, 16.

¹¹³ Ibid.

¹¹⁴ Doubler, 263.

of their home states. In addition to promoting stability and security in a domestic disturbance, they are capable of responding and assisting in the protection of critical infrastructure and other state or national key assets. “An initial force package of 75-125 personnel can arrive on scene within four to eight hours. A follow-on force of up to 375 personnel can arrive within 24 to 36 hours at the request of the Governor.”¹¹⁵

National Guard Transformation

“Sept. 11 (2001) marked the beginning of a no-notice transformation of the National Guard. For minutemen and minutewomen of the National Guard, it was a call to arms, and we have been answering that call to support and defend America and its freedoms and our very way of life every day since.”¹¹⁶

~LTG H Steven Blum, Chief, National Guard Bureau

Transformation for the 21st Century is the third priority for the National Guard, behind securing and defending the homeland and supporting the Global War on Terrorism. An integral part of this transformation was the need for the National Guard to increase its capability to operate in the joint and interagency environment. This transformation began in April 2003, when the NGB initiated its largest reorganization since 1950 by provisionally reorganizing to a Joint Staff structure. Recently the National Defense Authorization Act for 2008 (NDAA 2008) officially redesigned the NGB as a joint activity of the DoD instead of a joint bureau of the Army and Air Force.

¹¹⁵ National Guard Bureau, NGRF fact sheet, <http://www.ngb.army.mil/features/HomelandDefense/ngrf/factsheet.html> (accessed 27 February 2008).

¹¹⁶ National Guard Bureau, CIP-MMA fact sheet, <http://www.ngb.army.mil/features/HomelandDefense/cip-maa/factsheet.html> (accessed 27 February 2008).

Simply changing the NGB staff structure was not sufficient to transform the Guard. Beginning in late 2003, the Army and Air National Guard headquarters in the States were also combined into a single Joint Forces Headquarters (JFHQ-State). The JFHQ-State provides command and control of all National Guard forces in the state or territory for the governor¹¹⁷, assumes tactical control of all assigned military units ordered to support contingency operations, and coordinates situational awareness and resource requirements with combatant commanders. The JTF-State commander can be a “dual-hatted” commander of both Title 32 and Title 10 forces (as in the G8 Summit). In addition, the JTF-State can act as a subordinate Command and Control headquarters for US Northern Command if required. It is also responsible for providing situational awareness (common operating picture) information to national level headquarters before and during any contingency operation and Joint Reception, Staging, and Onward Movement, and Integration (JRSOI) for all inbound military forces.

In conjunction with this transition at the JFHQ-State, the NGB and JFHQs-State established Joint Operations Centers (JOC). The NGB and JFHQ JOCs’ network is the primary means for coordinating, facilitating, and synchronizing efforts in support of their states, and information requirements of NGB and agencies at the Federal level for domestic incidents exercises and events. The JOCs provide a State/local Common Operating Picture (COP) to the Federal military level and help Federal agencies anticipate support requirements prior to a Federal response.

¹¹⁷ In the case of the District of Columbia, the Secretary of the Army.

Interoperable communications are a critical component of any operation. To this end, in association with each of the JOC, the Guard has successfully established the Joint CONUS Communications Support Environment (JCCSE) nationwide. The “JCCSE is simply nothing more than another way of viewing our existing IT infrastructure and assets with the added operational mission of supporting homeland defense, homeland security and civil support.”¹¹⁸ JCCSE is a secure and non-secure network of critical communications capabilities that provides real time operational connectivity from the incident to the state, local and Federal level headquarters. It is essential to providing a common operating picture to local, state, and Federal agencies. A critical component of JCCSE is the Joint Incident Site Communications Capability (JISCC), “a satellite package that can be towed or airlifted to incident sites and can communicate via high-frequency radio, telephone, video and satellites to interface a variety of communications equipment used by first responders and state and federal agencies.”¹¹⁹ The NGB continues to work with NORTHCOM and other agencies to ensure that JCCSE equipment meets the DoD, NORTHCOM, and DHS interoperability standards.

When National Guard forces are deployed in support of civil authorities, a Joint Task Force-State (JTF-State) may be created under the JFHQ-State to maintain command and control of those forces. The JTF-State provides command and control for all state military assets deployed in support of civil authorities or a specific incident. It also

¹¹⁸ Maj. Gen. Alan L. Cowles, Director, Command, Control, Communications and Computers (J-6), NGB, JCCSE fact sheet, <http://www.ngb.army.mil/features/HomelandDefense/jccse/factsheet.html> (accessed 27 February 2008).

¹¹⁹ National Guard Bureau, JCCSE fact sheet, <http://www.ngb.army.mil/features/HomelandDefense/jccse/factsheet.html> (accessed 27 February 2008).

facilitates the flow of information between the Joint Force Headquarters-State (JFHQ-State) and deployed units. The JTF-State commander works closely with the incident commander in an effort to maintain situational awareness of local, state, and federal actions, and with the consent of the President, may be granted dual-status authority so that they may command both Title 10 and Title 32 forces, facilitating a unity of command for all military forces and unity of effort with the all the other responders at the incident site.

Homeland Defense is “mission one” for the National Guard. Governors count on the National Guard to be the first military responders and call on Guard assets at their disposal within the first hour(s) of an event. The CNGB has committed to the governors that the National Guard Bureau would provide each of them with sufficient capabilities under state control, and an appropriate mix of forces, to allow them to respond to domestic emergencies. The States have indicated to the National Guard Bureau that there are certain capabilities they feel they need to meet emergencies. To meet the Governors’ requirements, the National Guard established the following list of 10 essential capabilities each State, Territory, and the District of Columbia must maintain at all times:¹²⁰

1. Aviation
2. Engineering
3. Civil Support Teams
4. Security
5. Medical
6. Transportation
7. Maintenance
8. Logistics
9. Joint Force Headquarters (C4ISR, RSOI)
10. Communications

¹²⁰ National Guard Bureau. *National Guard Homeland Defense White Paper: September 11, 2001, Hurricane Katrina, and Beyond*. (Arlington, VA: NGB, Oct 2005), 8.

Many states do not possess all of these essential capabilities in their force structure. Though shortfalls of a particular capability can be and most often are met through EMAC and other State compacts, during transformation the NGB is working to rebalance the force. As part of the Army's modularity and AC/RC rebalance activities, the Army National Guard (ARNG) directorate of the NGB in collaboration with Headquarters, Department of the Army (HQDA) and the Adjutants General (TAG) of the states and territories has developed a rebalance plan. Six of the ARNG combat brigades will be restructured into support brigades, providing more equipment that is better suited for homeland security/civil support missions. In a similar vein, as part of the Army's overall aviation transformation, the ARNG has converted and grown some valuable dual-purpose aviation structure that will be readily available and responsive to homeland security/defense needs, in addition to their normal Army operational aviation missions. The ARNG established six Aviation Security & Support (S&S) battalions with aircraft in 44 different states. The battalions are scheduled to be reequipped with the Army's new Light Utility Helicopter (LUH). Complimenting the S&S battalions are four 15-aircraft Air Ambulance Companies, which will also be reequipped with the new LUH.

Since 9/11 the National Guard has undergone a remarkable transformation. In the past five years the National Guard has added:

- 45 WMD Civil Support Teams (WMD CST);
- 17 CBRNE Enhanced Response Force Packages (CERFP);
- 54 Computer Emergency Response Teams (CERT);

- 6 critical infrastructure protection-mission assurance assessment (CIP-MAA) teams;
- 54 National Guard reaction forces (NGRF);
- 54 Joint Force Headquarters-States (JFHQ-State); and
- 54 24-hours a day Joint Operations Centers (JOC).

In addition to its training and exercises for the expeditionary warfight, the Nation Guard has established an ongoing homeland security exercise program coordinated by the NGB. This series of exercises focuses on training for homeland security events with civil authorities. Designed to improve the unity of effort between all the first response agencies, these exercises provide an opportunity for the civilian first responders and the Guard (the first military responders) to participate in a full range of training scenarios intended to better prepare all the participants to respond to a local, state and national crisis. In 2007, the National Guard planned and executed two major exercises; Northern Edge and Vigilant Guard. Participants included local, county and state agencies, Guard units from six states, NGB, NORTHCOM, DHS (FEMA regions, US Coast Guard, CBP, and TSA), FBI and the Department of Energy.

The CNGB states in the National Guard 2008 Posture Statement, “the National Guard has transformed:

- To ensure we are equal to the contemporary challenges we are asked to confront across the full spectrum of operations;
- To ensure we have the right types of trained and ready capabilities, at the right levels in each of the states, to respond to the calls of the governors; and

- To fully leverage all of our warfighting capabilities in times of domestic need.”¹²¹

This transformation combined with the commitment of our elected and appointed leaders at all levels will enable the National Guard to be the interagency bridge to homeland security.

¹²¹ National Guard Bureau. *National Guard Posture Statement 2008*, CNGB Executive Summary (Arlington, VA: NGB, 2008), 2.

The Way Ahead

National Guard responsible for Homeland Security

With the heightened concern about large-scale terrorism have come efforts to involve DoD more closely with federal, state and local agencies in their homeland security activities. Obviously the DoD has and should play a significant role in homeland security. DoD resources are unique in the government, both in their size and capabilities, and can be applied to both deter and respond to terrorist acts. This is a logical expectation, since the Department of Defense, with its active duty and reserve forces, and the potential of federalizing National Guard units, has the largest and most diversified personnel assets and capabilities in the Federal Government.

Nearly every national and departmental security document produced in the last seven years has identified protection of the homeland as the Nation's highest priority.¹²² The military defending or coming to the aid of the American people in the homeland when needed is without question. The challenge is how DoD best provides this support. What is the best way to support the national¹²³ homeland security interagency apparatus, ensuring unity of effort against an attack or other catastrophic incident? How do we prepare, protect and support the American people, while discouraging dependence on the military or Federal government, preserving personal liberty, and maintaining the capacity and capability to protect the National interests abroad?

¹²² Refer to Appendix B for summary of national strategies.

¹²³ National is used here in the same context as in the National Response Framework, emphasizing it is more than just a federal process, but also state and local, private industry, nongovernment organizations, community groups, etc.

Over the course of the 20th century, the military became increasingly focused on expeditionary warfare, projecting power to deter and defeat threats to national interests abroad and to protect the homeland from enemies before they reached our shores. Homeland defense begins overseas; power projection is an integrated element of what is ultimately the successful defense of our nation here at home.¹²⁴ It is critical for the armed forces to maintain an effective expeditionary capability while supporting the nation's homeland security efforts. This research recommends the best way to achieve this is to formally give the National Guard the federal mission and funds to conduct homeland security activities, just as it does the counter-drug and WMDCST missions.¹²⁵ The expeditionary role should be the primary mission for the active component with a secondary mission of homeland security should the situation warrant, while homeland security should be the primary role of the National Guard¹²⁶ with a secondary mission to reinforce the expeditionary mission when needed.

To be clear, the thesis does not suggest that the National Guard be redirected solely to homeland security. The Guard's strength in responding to domestic emergencies derives from its conventional combat, combat support and combat service

¹²⁴ Merrick E. Krause and Jeffery D. Smotherman, "An Interview with Assistant Secretary of Defense for Homeland Defense, Paul McHale," *Joint Forces Quarterly*, issue 40 (1st quarter 2006), 11.

¹²⁵ RAND Arroyo Center. *Hurricane Katrina: Lessons for Army Planning and Operations*. (Arlington, VA: RAND Corporation, 2007), 74.

¹²⁶ As recommended by the Hart-Rudman Commission, the Gilmore Commission, the Heritage Foundation, and the RAND Corporation.

support capabilities, training and experience.¹²⁷ Its role as the Nation's primary reserve combat force, representing more than 54% of the total reserve component capability,¹²⁸ is historically vital to the security of the country and should be maintained.

An Ongoing National Guard Mission

Where the National Guard has more than proven its capability as an operational reserve over the last six years of the GWOT, it is also the best suited force for the homeland security role. The most obvious and logical support for this strategy of giving the National Guard the primary responsibility for homeland security is that the Guard is doing it already and have been since its inception. Securing and defending the homeland is the National Guard's first priority.¹²⁹ The varied and distinct Guard duty status options provide highly desirable fiscal and operational flexibility in the homeland security operations and should be taken advantage of to the fullest extent possible. The Guard has been the first military responder in domestic emergencies (homeland security) since the country's inception. As a state force, the modern Guard is typically among the first responders to any incident. As a ready state and local force, the Governors often use their National Guard for security and law enforcement in a state capacity. The Guard has always been and always will remain a community-based force. It is America's most domestically forward deployed military force. Unlike active duty components that are confined to a limited number of CONUS installations in a limited number of states, the

¹²⁷ As the dual-use concept directs.

¹²⁸ Selected Reserves per FY07 National Defense Authorization Act, cited in CNGB briefing.

¹²⁹ National Guard Bureau. *National Guard Posture Statement 2007*. (Arlington, VA: NGB, 2007), 1.

Guard has an organized presence in nearly every population center (3,300 locations and in more than 2700 communities) in every state, territory and the District of Columbia. As a true community based force, the Guard is the first military responder in virtually all domestic emergencies and can respond to most disasters without external logistical support. Should a State(s) require additional support, including National Guard, they can quickly and efficiently request and receive it from other States through EMAC, the Emergency Management Assistance Compact, and other regional compacts. The NGB is the primary coordinator of Guard assets responding under EMAC and has been since EMAC's inception in 1996. Homeland security is already an ongoing mission and obligation for the National Guard. The logical choice for DoD is to officially assign the National Guard the primary responsible for homeland security.

State/Local Empowerment

“In the current global threat environment, terrorist incidents, although immediately and directly impacting the paramount interests of the state(s) involved, also affect the strategic interests of the federal government. In such circumstances, including but not limited to asymmetric attacks involving more than one CONUS incident site, the paramount interests of a given state overlap with the strategic interests of the federal government.”¹³⁰ With this, there are those who have suggested the DoD should be the lead agency for homeland security or at least for certain catastrophic events. Per the Assistant Secretary of Defense for Homeland Defense, “What will be subject to ongoing

¹³⁰ U.S. Department of Defense, *Defense Science Board 2003 Summer Study: DoD Roles and Missions in Homeland Security VOL II*, Under Secretary of Defense for Acquisition, Technology and Logistics. (Washington, DC: USGPO, May 2004), 107.

examination is the question of whether DoD should play a more substantial role and perhaps a leadership role in responding to the much rarer, much more substantial occurrence of a catastrophic event—not simply a hurricane, but a hurricane of the magnitude of Katrina. Not simply a terrorist attack, but a terrorist attack employing weapons of mass destruction where the devastation might cover a large area, produce a significant number of casualties, and raise issues of residual contamination.... In most cases, indeed, in the vast majority of cases, DoD should remain as a supporting element of a larger national effort. But in light of the hard realities that we confronted following Katrina, it is reasonable to reexamine and perhaps redefine DoD's role in response to a truly catastrophic event.”¹³¹

This is a dangerous precedent. By the end of the ratification debates in 1787, the framers of our Constitution recognized that the states play the primary role in regulating and protecting the lives of their citizens, and are the primary defenders of the rights of the people. Sovereign states protect these rights not only by creating and enforcing new rights, but also by checking the power of the federal government.¹³² Americans have a historic belief that the role of the military within domestic American society should be limited, however when their security is threatened, the public may tend to agree to give up their liberties. Alexander Hamilton stated in Federalist Paper #8, “....vigilance under a continuous state of danger, will compel even those nations most attached to liberty to resort, for repose and security, to institutions that tend to destroy their civil and political

¹³¹ JFQ 40, 1st quarter 2006, An Interview with Assistant Secretary of Defense for Homeland Defense, Paul McHale., 15

¹³² Mark R. Killenbeck, ed., *The Tenth Amendment and State Sovereignty* (New York: Rowman and Littlefield Publishers, Inc., 2002), 171-172.

rights. To be more safe, they will risk being less free.”¹³³ Additionally there is a risk of the public becoming more and more dependent and insistent on Federal assistance in lieu of local preparation and response. The Federal as well as State and local leadership must resist this natural fear-based tendency and help reassure and secure the people without sacrificing freedoms and liberties.

Fortunately the Homeland Security Act of 2002, as well as the related provisions of HSPD-5, designates the Department of Homeland Security as the lead agency for preventing attacks within the United States. Land defense in the United States is primarily a law enforcement function.¹³⁴ Barring an invasion or attack by a conventional warfighting force or weapons system or the president invoking the Insurrection Act, it is unlikely the DoD will have the lead in the United States. “The Department of Defense is not prepared, willing, or in some cases constitutionally permitted to play that role. Yet because agencies that must respond to the consequences of an attack using weapons of mass destruction need resources now instead of after another terrorist attack, the DOD mission must be expanded from just defending the homeland to supporting homeland security, especially since a future attack could inflict more casualties than were suffered on 9/11.”¹³⁵

¹³³ Mary E. Webster, ed., *The Federalist Papers in Modern Language* (Bellevue, Washington: Merrill Press, 1999), 39.

¹³⁴ McHale Interview, 13.

¹³⁵ Erckenbrack, Adrian A., and Aaron Scholer. "The DOD Role in Homeland Security," *Joint Force Quarterly*, issue 35 (Autumn 2004): 35.

The National Guard is Federalism at work. “The statutorily-defined, and constitutionally-derived, status of the National Guard as the organized militia of each state (10 USC 311), as well as a federal military reserve force (10 USC 10105-07, 10 USC 10111-13) enables the Guard to be used within the United States without posing questions of improper military intrusion into civil affairs.”¹³⁶ The Guard in a Title 32 status provides federally funded support under the command and control of state leadership. There is a saying among the emergency management community, that all domestic emergencies (including domestic terrorist attacks) are local emergencies and all consequence management responses are local. The Guard has deep roots in their local communities and “equally important, emergency response professionals, elected officials and community leaders *trust* the Guard and enjoy a stable and mature working relationship with the Guard.”¹³⁷ The National Guard, a State based force, which in most cases is part of the local communities being supported, responding to the incident under the control of the Governor, provides the bridge from Federal to State.

Interagency Process Cooperation

The most important aspect of this strategy is the very probable improvement in the homeland security interagency process; not only federal whole of government unity of effort but also state and local, private industry, nongovernmental and community organizations. As stated in NORTHCOM’s command brief, interagency coordination is key; not only Federal but state and local as well. The Guard is already engaged in the

¹³⁶ Robert L. Goldich, CRS Report RL31564, *Homeland Security and the Reserves: Threat, Mission and Force Structure Issues*, (Washington, DC: Congressional Research Service, 2002), p1.

¹³⁷ *Defense Science Board 2003 Summer Study*, VOL II, 109.

intergovernmental issues as well as Federal and interagency matters. As the title of this paper indicates, the National Guard would serve as a bridge between not only the Department of Defense and the rest of the Federal departments and agencies but from the Federal government and the state and local governments as well as the non-government agencies and the private sector.

“As a result of its unique Constitutional status, the Guard is fully integrated into state and local emergency response protocols and is the military force of choice in responding to domestic emergencies in which state and local interests are paramount.”¹³⁸ In 21 states, the Adjutant Generals are the homeland security managers, the emergency managers or both.¹³⁹ In states where they are not, the Guard is represented in the emergency management organizations and is already incorporated into the emergency plans. Use of the National Guard in Title 32 status not only provides statutorily operational flexibility not available to Title 10 forces,¹⁴⁰ but also ensures full operational synchronization with the National Incident Management System (NIMS), which is mandated by HSPD-5 and used by the lead federal and state civilian agencies.¹⁴¹

The DoD considers unity of command an integral part of unity of effort. However unity of command across a spectrum of participants as broad and diverse as that

¹³⁸ *Defense Science Board 2003 Summer Study*, VOL II, 109.

¹³⁹ JP 3-28, II-13.

¹⁴⁰ As discussed previously, as agents of the State, Title 10 Posse Comitatus limitations do not apply to Guard in Title 32 status.

¹⁴¹ *Defense Science Board 2003 Summer Study*, VOL II, 110.

of a catastrophic incident in the United States is unlikely without the risk of fracturing the foundations on which the country was built. The atmosphere in the rest of the government outside the DoD is more one of consensus than command. The language in the national guidance is a good indicator of this. Even the title of the National Response Plan was changed to National Response Framework in its latest revision. The more realistic expectation is that of just unity of effort. Using the Guard in Title 32 status to the maximum extent possible in domestic incidents/emergencies not only offers statutory and operational flexibility and allows DoD to quickly and efficiently leverage the Guard's situational awareness and integration with supported civilian authorities, but takes advantage of existing state joint command and control (C2) structure and avoids the costly and time-consuming stand up of federal command structure required for Title 10. To ensure the unity of command within DoD, should active component assets be needed, the dual status National Guard commander like that used at the 2004 G-8 Summit should be considered.¹⁴² Doing so would take advantage of the operational flexibilities provided by Title 32 and eliminate the bifurcated chain of command seen during the 2002 Olympics. Dual status command provides an interagency bridge from Federal to State forces ensuring unity of command for DoD, while promoting unity of effort among all levels or organizations involved.

¹⁴² The precedent for Guard command of active component units has been set overseas as well. In 2005 the headquarters of the 42nd Infantry Division (a National Guard division) commanded both active and Guard brigades; the first time in the history of the National Guard that a Guard division commanded active Army brigades in a combat zone.

Economies of Scale

As described by Alfred Marshall, when an organization reduces costs and increases production, internal economies of scale have been achieved. The Guard has proven its cost effective capability across the full spectrum of operations. The Army and Air Guard provide nearly half of the combat capacity of the U.S. Army and Air Force for approximately 4.3% of the FY03 DoD budget, generating a powerful cost and combat power advantage.¹⁴³ The Guard's traditional combat roles and missions are essential to our national security and to our ability to project power globally within the relatively small percentage of gross domestic product (GDP) the United States expends for national security. This investment goes even further for the American people because the Guard capabilities are immediately available nationwide to the governors and the American people in time of domestic need. This is an economy of scale that any corporation or organization would envy.

“While the DOD leadership is ready and willing to play a supporting role in the homeland security efforts, it wishes to maintain overseas military operations as the Department's primary focus, and avoid a drain of fiscal, materiel, and personnel resources to the homeland security mission.”¹⁴⁴ When asked about balancing resources between power projection and supporting operations at home, Secretary McHale (ASD-HD) responded “ultimately, everything we do in the Department of Defense is for the protection of the American people. We are obligated to provide that defense within a

¹⁴³ *Defense Science Board 2003 Summer Study*, VOL II, 110.

¹⁴⁴ CRS report RL 31615, *Homeland Security: the DoD's Role*, Steve Bowman, summary 2003. While this was very true with Secretary Rumsfeld, Secretary Gates seems to have a different perspective so far.

world of finite resources, so that requires prioritization of mission requirements and a tough-minded application of risk management.”¹⁴⁵ What must be kept in mind is most of the same skills and capabilities for warfighting and other operations overseas are applicable to a majority of the homeland security requirements and should be maintained under the recommended strategy

We must also be mindful however, that without additional personnel and training dollars in the recommended dual use homeland security role, the Guard could become overextended as it takes on new homeland security missions. There will be resistance from some National Guard leaders to the strategy of being given the primary mission of homeland security. This resistance is due to the concern of losing relevance to the overseas missions and therefore losing fiscal, material, and personnel resources. This fear is historically justified. The Guard’s achievements in the Spanish-American War and the closing of the American West convinced National Guard leadership and the Secretary of War, Elihu Root that the real value of the National Guard was as the federal reserve to the Army.¹⁴⁶ When officially recognized as the federal reserve by the Militia Reform Act of 1903, funding to the National Guard increased nearly tenfold in the next six years.¹⁴⁷ In the more recent past, units without a "wartime" mission were often not priorities for resources.

¹⁴⁵ McHale interview, JFQ, 12

¹⁴⁶ Doubler, 142

¹⁴⁷ Doubler, 145.

Homeland security is not a new mission for the National Guard, but if given the primary responsibility for homeland security, the Guard must not be reduced to a lower priority for resources. To the contrary, the Guard should be expanded to include appropriate organizational structure and added resources. Properly resourcing the Guard for planning, training, exercising and employment of force functions is the most fiscally and operationally efficient way to export the DoD training culture to other federal, state and local government agencies. A recently released RAND report recommended formally giving the National Guard the federal mission and funding to conduct homeland security activities, just as it does the for counter-drug operations.¹⁴⁸ A funding solution that would relieve the concerns of the DoD and National Guard leadership would be for Congress to appropriate funds to the National Guard specifically “fenced” for homeland security activities as it does for the counterdrug and WMD-CST programs. Since DHS would be the primary supported department, another funding solution is for DHS to provide resources for certain homeland security training and equipment requirements, just as DoD provides resources for certain training and equipment requirements for the U.S. Coast Guard. In addition to addressing the concerns of the DoD and National Guard leadership, properly resourcing the Guard is a conduit for the Federal government to provide the expected resources to the States that may be used under State control for homeland security activities. It will be more politically acceptable because it keeps the States more responsible for their own homeland security and provides a means for Congress to more equally distribute federal funds to their districts. If properly resourced,

¹⁴⁸ RAND Arroyo Center. *Hurricane Katrina: Lessons for Army Planning and Operations*. (Arlington, VA: RAND Corporation, 2007), 74.

this dual-use strategy for the National Guard maintains a strategic reserve while preparing, protecting and supporting the American people at home.

We should heed the lessons learned from the short-sighted civil defense prioritizations made by past administrations since the turn of the 20th century and fund for the long-term security of the homeland. If protection of the homeland is the USG and DoD priority, then this strategy should only be implemented if appropriately resourced. As good stewards of America's tax dollars, with the obligation to provide the best defense possible in a world of finite resources, we must take advantage of the historic return – economies of scale – the National Guard provides to the Nation.

NORTHCOM Composition

Imperative to the strategy of giving the National Guard the primary responsibility for homeland security is a modification to the composition of NORTHCOM and its command structure. “The National Guard is a unique multi-status military component with roles and responsibilities defined by federal and state law. Understanding the flexible and multi-faceted role of the Guard therefore requires an understanding of the Militia and War Powers clauses of the U.S. Constitution, the provisions of Title 32 and Title 10 of the United States Code and the Constitutions and statutes of the several states, territories and the District of Columbia.”¹⁴⁹ If the National Guard is to be the primary force of homeland security, logic dictates the commander and primary staff at NORTHCOM be Guardsmen that understand the system. Prior to 1920, the Chief of the

¹⁴⁹ U.S. Department of Defense, Defense Science Board 2003 Summer Study: DoD Roles and Missions in Homeland Security, VOL II, Under Secretary of Defense for Acquisition, Technology and Logistics, (Washington, DC: USGPO, May 2004), 107.

National Guard Bureau was a regular Army officer. That year the Congress passed an amendment to the National Defense Act of 1916 making the Chief of the National Guard Bureau a National Guard Officer for the same reason.

NORTHCOM was designated to provide unity of command for homeland defense and civil support and as discussed previously, support the national unity of effort. To best provide support to civil authorities, its command-and-control structure must not only be able to reach out to other federal agencies, but also reach down to the state and local agencies. It should also work with the State Adjutants Generals to develop plans and validate roles and potential missions in their respective States. Who better to do this than National Guardsmen that already know the system and in many cases the people?

Although NORTHCOM is a multi-component command, it is still a predominately active component (AC) organization¹⁵⁰. Having a National Guard Commander and at least half the Army and Air Force positions filled with fulltime Guardsmen would better facilitate this process. As the analysis indicates, the Guard already has ongoing experience working with other federal agencies, but just as important, the States' leadership all know each other. The National Guard Bureau sponsors nationwide conferences at least annually for all the primary staff elements.

In addition to the AC/RC composition adjustments, the NGB Army National Guard directorate (ARNG) should assume the role of NORTHCOM's Army service

¹⁵⁰ Although NORTHCOM has National Guard and Reserve fulltime personal assigned, over 80% of the command structure are from the active component.

component (ARNORTH). This would not be much of a departure from the current structure in which the Air Force and Marine components are both predominately Reserve Component commands. Air Force North (AFNORTH) is First Air Force, commanded by an Air National Guard two-star general who serves as a NORAD air defense commander. Marine Forces North (MARFORNORTH) is Marine Forces Reserve Command, commanded by a reserve three-star general. There is no assigned Navy component; Fleet Command is a supporting component.

The ARNG is already the forces coordinator for all the Army National Guard title 10 and DSCA requirements, responding to requests for forces (RFF) from Joint Forces Command through Army Forces Command (FORSCOM). They also coordinate all the Army Guard domestic Title 32 requirements, as indicated previously in examples of airport security, Katrina response, and Operation Jump Start. Many of these coordination efforts are done directly with Federal lead agencies other than DoD, so the directorate is familiar with and accustomed to working with other departments. As discussed earlier, the NGB exists to be the primary conduit between the DoD and the States' National Guard units. The directorates coordinate service requirements, help define and clarify National Guard related policy and manage resources for their respective services. They maintain a habitual working relationship with all the States and territories, know their strengths and weaknesses and can anticipate requirements for an all-hazards response. They maintain continuous awareness of unit readiness status, availability and upcoming rotational requirements and are the managers of the resource requirements. Given that most of the forces responding to homeland emergencies or security requirements are Army National

Guard¹⁵¹, making the ARNG the Army service component command for NORTHCOM would not only be more efficient, by taking a step out of the process, it would reduce redundancy and free DoD assets for other requirements, saving time, money and people.

Conclusion

The new century has presented America with the dual challenges of preventing terrorist attacks in the homeland and strengthening our Nation's all-hazards preparedness. Homeland security/civil defense is back in the forefront; however, our constitutional foundations of federalism require a robust interagency approach. The modern National Guard and its predecessors have been providing homeland security for 370 years. A community-based force, it is integrated into the homeland security plans of every state and is inherently engaged in the interagency and intergovernmental arenas at every level. Its dual mission status of state military force and federal reserve force empowers both the President and the governors to meet these homeland security challenges while protecting America's civil liberties. It enables the DoD with proven cost effective capabilities across the full spectrum of operations from layered homeland defense, homeland security and civil support.

The National Guard has never been more prepared for the homeland security mission than it is today. The years since 9/11 have eliminated any question as to whether the Guard can perform this mission. The question today is whether the Guard will be

¹⁵¹ Examples: 9/11, airport security, 2002 Olympics, Katrina, Operation Jumpstart, etc..

formally given the primary responsibility for the homeland security mission along with the authority and resources required to accomplish it.

Appendix A: The Interagency Processes

We're engaged in a long struggle against violent extremists that seek to exploit any seams in our armor. Our job – the (U.S. Northern Command) team's job – is to mend those seams, to strengthen the shield.

*General Renuart
Commander, U.S. Northern Command
Change of Command, March 23, 2007*

One of the largest seams we have in the current homeland operational environment is the extremely complex interagency process. The interagency process, often referred to as “the interagency”, is not a separate or distinct organization, but an interaction of various government agencies, each with a different culture, a different planning process, and a different perspective and dependent on an established process for coordinating executive branch decision-making. The intent is to take the interests of all departments and agencies, work the details, build consensus and decide what is best for the nation.

Though the roots of interagency coordination are founded in our constitution, the contemporary system of national strategic policy development and interagency coordination originated with the National Security Act of 1947 (NSA-47). The NSA-47 created the National Security Council under the direction of the President, with the Secretaries of State and Defense as its key members. The function of the Council shall

be to advise the president with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and other departments and agencies of the government to cooperate more effectively in matters involving the national security.

Originally designed to "advise the president" and coordinate interagency efforts, the NSC has continued to evolve since its inception and has taken on a number of roles and missions reflecting the policies of successive administrations. Each president since Truman has employed the NSC staff with varying degrees of responsibility and authority. Congress provides flexibility to the president by traditionally allowing wide latitude when it comes to the staffing, organization, and focus of the NSC. Therefore, the NSC staff has been staffed and organized through the various administrations at the pleasure of the president.

In February 2001, President Bush issued National Security Presidential Directive-1 (NSPD-1), "Organization of the National Security Council System", establishing a process to coordinate executive departments and agencies in the effective development and implementation of those national security policies in support of the NSC. NSPD-1 directed the hierarchal structure for the groups that report to the NSC as follows:

- *Principals Committee* (PC) (cabinet-level representatives): The senior interagency forum for considering national security issues.
- *Deputies Committee* (DC) (deputy/under secretary-level): The senior sub-cabinet group tasked with monitoring the work of the interagency process and identifying unresolved policy issues for the Principals Committee. The Deputies Committee is also responsible, in conjunction with sub-groups it may establish, for crisis management.

- *Policy Coordination Committees* (PCC) (assistant/deputy assistant secretary level): The day-to-day forum for interagency coordination of national security policy. The PCCs provide policy analysis for the other senior committees. Unless established by statute, NSC ad hoc bodies & exec committees existing prior to NSPD-1 were abolished or incorporated into a PCC as of 1 March 2001.

Regardless of how an administration may choose to structure its NSC system/interagency process, the role of the interagency community in the day-to-day management of national security issues remains fairly similar:

- Identify policy issues and questions
- Formulate options
- Raise issues to the appropriate level for decision within the NSC structure
- Make decisions where appropriate
- Oversee the implementation of policy decisions.¹⁵²

The benefit of the process is that it is thorough and inclusive--each organization brings its own practices and skills to the interagency process. The drawback is that it can also be slow and cumbersome--each agency also brings its own culture, philosophy and bureaucratic interests.¹⁵³

On 30 October 2001, in response to the 9/11 attacks, President Bush issued Homeland Security Presidential Directive-1 (HSPD-1): "Organization and Operation of the Homeland Security Council". HSPD-1 created the Homeland Security Council (HSC) as the interagency forum for homeland security, responsible for ensuring coordination of all homeland security-related activities among executive departments and agencies, and promoting the effective development and implementation of all homeland

¹⁵² National Defense University, *Interagency Management of Complex Crisis Operations Handbook* (Washington, DC: National Defense University, 2003), 6.

¹⁵³ Ibid.

security policies.¹⁵⁴ Though somewhat bifurcated, HSPD-1 mirrors NSPD-1, where the NSC and HSC are parallel security organizations and each includes a Principals Committee (NSC/PC; HSC/PC), Deputies Committee (NSC/DC; HSC/DC), and Policy Coordination Committees (NSC/PCCs; HSC/PCCs) that are designated either functional or geographic. The emphasis of this research and thesis is on the improvement of the Homeland Security interagency process, specifically DoD's integration.

The complexities of today's security environment require full, effective, and efficient employment of U.S. national capabilities. The United States will use all its instruments of national power and influence – diplomatic, information, military, economic, financial, intelligence, and law enforcement – to prevent and disrupt terrorist attacks; protect the American people, critical infrastructure, and key resources; and respond to and recover from incidents that do occur.¹⁵⁵ Successful interagency coordination and effective integration of all departments and agencies' expertise, skills, and resources at all levels of government (federal, state, local and tribal) is critical to realizing this vision.

¹⁵⁴ Homeland Security Presidential Directive–1 (HSPD-1) “Organization and Operation of the Homeland Security Council,” 29 October 2001, <http://www.fas.org/irp/offdocs/nspd/hspd-1.htm> (accessed on 10 November 2007).

¹⁵⁵ The White House, *National Strategy for Homeland Security*. (Washington, D.C.: Office of Homeland Security, July 2002), 13.

Appendix B: Guidance and Authorities

There are varieties of documents that provide guidance and authorities for the HS mission areas. These range from the US Constitution to the Contingency Planning Guidance. This appendix provides the National, federal, state, local and military guidance and authorities referenced in this thesis. The following documents are key references when addressing HS mission areas:

Key Executive and Legislative Guidance

The Constitution. The Preamble states that two of the purposes of the Constitution are to insure domestic tranquility and provide for the common defense. Furthermore, Congress has the power to declare war, raise and support armies, provide and maintain a Navy, and provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions. The President is the Commander in Chief of the Armed Forces. The Constitution provides the fundamental justification for HS through the guarantee of domestic tranquility and provision for the common defense of the nation.

Economy Act (Title 31 USC 1535). The Economy Act permits one federal agency to request the support of another provided that the requested services cannot be obtained more cheaply or conveniently by contract. Under this act, a federal agency with lead responsibility may request the support of DOD without a Presidential declaration of an emergency as required by the Stafford Act. (JP 3-28)

Emergency Management Assistance Compact (EMAC). A national mutual aid partnership agreement that allows state-to-state assistance during governor- or federally-declared emergencies. The EMAC concept was approved by Congress in 1996 and provides governors a means to quickly request assistance for any type of emergency, from earthquakes to acts of terrorism. When state resources are overwhelmed, National Guard units nationwide can step in and fill shortfalls. In responding to national emergencies and disasters, EMAC is instrumental in providing needed advice and assistance to governors as it relates to identifying, selecting, requesting and deploying Guard forces. (EMAC website)

Executive Order 13231, *Critical Infrastructure Protection in the Information Age*, established the President's Critical Infrastructure Protection Board and authorized a protection program to secure information systems for critical infrastructure, including emergency preparedness communications, and the physical assets that support such systems. (JP 3-26)

Homeland Security Act of 2002 established the Department of Homeland Security to coordinate all federal HS activities to protect the Nation against threats to the homeland. To better facilitate the overarching HS mission area, Congress established DHS by merging numerous agencies into a single department. (JP 3-26)

Homeland Security Presidential Directive (HSPD) 1. *Organization and Operation*

of the Homeland Security Council (October 29, 2001) established the HSC to ensure coordination of all HS-related activities among the executive departments and agencies and promote the effective development and implementation of all HS policies. (JP 3-26)

HSPD-2. *Combating Terrorism Through Immigration Policies* (29 October 2001). HSPD-2 established policies and procedures to prevent aliens who engage in or support terrorist activity from entering the US and to detain, prosecute, or deport any such aliens who are within the US. (JP 3-26)

HSPD-3. *The Homeland Security Advisory System* (11 March 2002). HSPD-3 provides the guidelines for a comprehensive and effective means to disseminate information regarding the risk of terrorist acts to federal, state and local authorities and the American people. This document establishes the five threat conditions and their respective protective measures. (JP 3-26)

HSPD-4. *National Strategy to Combat Weapons of Mass Destruction* (December 2002). HSPD-4 states that nuclear, biological, and chemical weapons in the possession of hostile states and terrorists represent one of the greatest security challenges facing the United States and that we must pursue a comprehensive strategy to counter this threat in all of its dimensions. It describes three pillars for our national strategy to combat WMD: counterproliferation to combat WMD use, strengthen nonproliferation to combat WMD proliferation, and consequence management to respond to WMD use. Each pillar iterates specific actions to be pursued within the pillar. (JP 3-27)

HSPD-5. *Management of Domestic Incidents* (28 February 2003). Assigns the Secretary of the Department of Homeland Security as the principal Federal official for domestic incident management to coordinate the Federal government's resources utilized in response to, or recovery from terrorist attacks, major disasters, or other emergencies. The Federal government assists state and local authorities when their resources are overwhelmed, or when Federal interests are involved. Nothing in the directive impairs or otherwise affects the authority of SecDef over DOD, including the chain of command for military forces. HSPD-5 directs that SecDef shall provide support to civil authorities for domestic incidents as directed by the President or when consistent with military readiness and appropriate under the circumstances and the law. SecDef retains command of military forces providing CS. Additionally, HSPD-5 directed the development of the NIMS to provide a consistent nationwide approach for federal, state, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents. HSPD-5 also directs the development of the NRP, including classified annexes if required. The NRP, using NIMS, provides the structural mechanisms, national level policy, and operational direction for federal support to state and local incident managers. (JP 3-28)

HSPD-6. *Integration and Use of Screening Information* (16 September 2003). HSPD-6 provides for the development and maintenance of accurate and current information about individuals known or appropriately suspected to be or have been engaged in conduct related to terrorism; and that information, as appropriate and permitted by law, can be

used to support screening and protective processes via the Terrorist Screening Center. (JP 3-26)

HSPD-7. *Critical Infrastructure Identification, Prioritization, and Protection* (17 December 2003). HSPD-7 established a national policy for federal departments and agencies to identify and prioritize US critical infrastructure and key resources and to protect them from terrorist attacks. This directive identifies roles and responsibilities of the Secretary of Homeland Security, and other departments and recognizes DOD as the sector-specific agency for the Defense Industrial Base. (JP 3-26)

HSPD-8. *National Preparedness* (17 December 2003). HSPD-8 established policies to strengthen the preparedness of the United States to prevent and respond to threats and actual domestic terrorist attacks, major disasters, and other emergencies by requiring a national domestic all-hazards preparedness goal, establishing mechanisms for improved delivery of federal preparedness assistance to state and local governments, and outlining actions to strengthen preparedness capabilities of federal, state, and local entities. (JP 3-26)

HSPD-14/National Security Presidential Directive (NSPD)-43, *Domestic Nuclear Detection Office*. HSPD-14 establishes the Domestic Nuclear Detection Office (DNDO) resident within the DHS and assigns it with the responsibility to develop the global nuclear detection architecture and to acquire and support the deployment of the domestic detection system and directs DOD to conduct close cooperation and coordination with the DNDO. (JP 3-27)

NSPD-1, *Organization of the National Security Council System*. NSPD-1 established the national Security Council system as a process to coordinate executive departments and agencies in the effective development and implementation of those national security policies. (JP 3-27)

HSPD-16/NSPD-47 *US Aviation Security Policy*. The US Aviation Security Policy establishes US policy, guidelines, and implementation actions to continue the enhancement of HS and national security by protecting the United States and US interests from threats in the air domain. It directs multiple USG departments (including DOD) and agencies to accomplish specific tasks that will improve the security and defense of the US homeland. Specifically, protection of critical transportation networks and infrastructure, enhancement of situational awareness, and enhancement of international relationships with allies and other partners. (JP 3-27)

National Security Strategy and the National Military Strategy. The NSS establishes broad strategic guidance for advancing US interests in the global environment through the instruments of national power. The NMS, derived from the NSS, focuses on how the Armed Forces of the United States will be employed to accomplish national strategic objective. The NSS and the NMS continue to reflect the first and fundamental commitment to defend the Nation against its adversaries. (JP 3-26)

National Infrastructure Protection Plan. The National Infrastructure Protection Plan provides a coordinated approach to critical infrastructure and key resource protection roles and responsibilities for federal, state, local, tribal, and private sector security partners. The National Infrastructure Protection Plan sets national priorities, goals, and requirements for effective distribution of funding and resources that will help ensure that our government, economy, and public services continue in the event of a terrorist attack or other disaster. (JP 3-27)

National Strategy to Combat Weapons of Mass Destruction states that nuclear, biological, and chemical weapons in the possession of hostile states and terrorists represent one of the greatest security challenges facing the United States and that we must pursue a comprehensive strategy to counter this threat in all of its dimensions. Three principal pillars are: counterproliferation to combat its use, nonproliferation to combat proliferation, and consequence management to respond to its use. (JP 3-26)

National Strategy for Combating Terrorism. Expands on the National Strategy for Homeland Security and the National Security Strategy by expounding on the need to destroy terrorist organizations, win the war of ideas, and strengthen America's security at home and abroad. While the national strategy focuses on preventing terrorist attacks within the US, this strategy is more proactive and focuses on identifying and defusing threats before they reach our borders. The direct and continuous action against terrorist groups will disrupt, and over time, degrade and ultimately destroy their capability to attack the US. (JP 3-26)

National Strategy for Homeland Security (NSHS). Prepared for the President by the Office of Homeland Security, this document lays out the strategic objectives, organization and critical areas for HS. The strategy identifies critical areas that focus on preventing terrorist attacks, reducing the nation's vulnerabilities, minimizing the damage and recovering from attacks that do occur. These critical areas are compatible with the DOD framework for HS that is discussed in this publication. (JP 3-26) The NSHS 2007 added additional emphasis on natural and man-made disasters other than WMD, e.g., hurricanes, fires, earthquakes, etc.

National Strategy for the Physical Protection of Critical Infrastructure and Key Assets. Defines the road ahead for a core mission area identified in the President's NSHS - reducing the nation's vulnerability to acts of terrorism by protecting our critical infrastructures and key assets from physical attack. It identifies a clear set of national goals and objectives to achieve our protection goals. It identifies a clear set of national goals and objectives to achieve our protection goals. The strategy identifies thirteen critical infrastructure sectors. Key asset protection represents a broad array of unique facilities, sites, and structures whose disruption or destruction could have significant consequences across multiple dimensions. Examples include, but are not limited to nuclear power plants, national monuments, and commercial centers where large numbers of people congregate. (JP 3-27)

National Strategy for Securing Cyberspace. An implementing component of the NSHS, it engages and empowers Americans to secure the portions of cyberspace that they own, operate, control, or with which they interact. This will require a coordinated and focused effort from our entire society -- the federal, state, and local governments. This strategy outlines a framework for organizing and prioritizing efforts, and calls upon individual Americans to improve our collective cyberspace security. It identifies three strategic objectives: prevent attacks in cyberspace against American critical infrastructure, reduce national vulnerability to attacks in cyberspace, and minimize damage and recovery time from attacks in cyberspace that do occur. (JP 3-27)

Patriot Act of 2001, 24 October 2001. This act enhances domestic security against terrorism. It eases some of the restrictions on foreign intelligence gathering within the US and affords the US intelligence community greater access to information discovered during a criminal investigation. (JP 3-26)

Posse Comitatus Act (Title 18 USC, Section 1385). This federal statute places strict limits on the use of federal military personnel for law enforcement. Enacted in 1878, the PCA prohibits the willful use of the US Army (and later, the US Air Force) to execute the laws, except as authorized by the Congress or the US Constitution. Although the PCA, by its terms, refers only to the Army and Air Force, DOD policy extends the prohibitions of the Act to US Navy and Marine Corps forces, as well. Specifically prohibited activities include: interdiction of a vehicle, vessel, aircraft, or similar activity; search and/or seizure; arrest, apprehension, “stop-and-frisk” detentions, and similar activities; and use of military personnel for surveillance or pursuit of individuals, or as undercover agents, informants, investigators, or interrogators. Additionally, federal courts have recognized exceptions to the PCA. These common law exceptions are known as the “military purpose doctrine” and the “indirect assistance” exceptions. Exceptions and/or circumstances not falling under PCA include:

- (1) Actions that are taken for the primary purpose of furthering a military or foreign affairs function of the United States.
- (2) Federal troops acting pursuant to the President’s Constitutional and statutory authority to respond to civil disorder.
- (3) Federal troops acting pursuant to the presidential power to quell insurrection.
- (4) Actions taken under express statutory authority to assist officials in executing the laws, subject to applicable limitations.
- (5) CD operations authorized by statute.

The PCA does not apply to NG forces operating in state active duty or Title 32 USC status, nor to the USCG, which operates under Title 14 USC authority. (JP 3-26, JP 3-28)

Presidential Decision Directive 39, *US Policy On Counterterrorism*. PDD-39 validates and reaffirms existing federal lead agency responsibilities for counterterrorism, which are assigned to DOJ, as delegated to the FBI, for threats or acts of terrorism within the United States. The FBI as the lead federal agency for Crisis Management will involve only those federal agencies required and designated. The Directive further states that DHS/FEMA with the support of all agencies in the NRP, will support the FBI until the Attorney General transfers lead agency to DHS/FEMA. DHS/FEMA retains responsibility for CM throughout the response. (JP 3-26)

Presidential Decision Directive 62, *Combating Terrorism* (pre-September 11, 2001) created a systematic approach to addressing the terrorist threat by reinforcing the mission of those agencies charged with fighting terrorism. The directive codified agency activities for apprehension and prosecution of terrorists, increased transportation security, enhanced response capabilities, and increased protection of computer-based systems that lie at the heart of the economy. (JP 3-26)

Robert T. Stafford Disaster Relief and Emergency Assistance Act sets the policy of the Federal government to provide an orderly and continuing means of supplemental assistance to state and local governments in their responsibilities to alleviate the suffering and damage that result from major disasters or emergencies. It is the primary legal authority for federal participation in domestic disaster relief. Under the Stafford Act, the President may direct federal agencies, including DOD, to support disaster relief. DOD may be directed to provide assistance in one of three different scenarios: a Presidential declaration of a major disaster, a Presidential order to perform emergency work for the preservation of life and property, or a Presidential declaration of emergency. (JP 3-28)

Title 10 USC (Armed Forces). Title 10 provides guidance on the US Armed Forces. Guidance is divided into five subtitles. One on general military law and one each for the US Army, US Navy and US Marine Corps, the US Air Force and the Reserve Components. Chapter 18 (sections 371-382) of Title 10 is entitled and governs Military Support for Civilian Law Enforcement Agencies. Title 10 USC 375 directs SecDef to promulgate regulations that prohibit “direct participation by a member of the Army, Navy, Air Force, or Marine Corps in a search, seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.” (JP 3-26)

Titles 14, 33, 46 and 50, USC. These statutes define the statutory authority for the USCG to conduct HD and HS missions. (JP 3-27)

Title 32 USC, National Guard. Title 32 defines the organization, personnel, training, and equipping of the NG. Authorizes the use of federal funds to train NG members while they remain under the C2 of their respective state governors. In certain limited instances, specific statutory or Presidential authority allows for those forces to perform operational missions funded by the Federal government, while they remain under the control of the governor. Examples of those exceptions include the employment of WMD-CSTs, CD missions, and operations authorized by the President or SecDef under 32 USC 502(f)

(i.e., Airport Security Mission in 2001 and Southwest Border Security Mission in 2006). (JP 3-27) Additionally, Title 32 USC provides the authority to allow for the NG to conduct HD activities under state C2 and for a NG commander to retain his/her state commission (Title 32 USC) after ordered to active duty (Title 10 USC) allowing for a “dual-hat” commander to ensure unity of effort for state and federal military forces. (JP 3-28)

Title 50 USC, War and National Defense. Title 50 provides guidance on war and national defense. Among the major provisions of Title 50 are: Establishes a Council of National Defense to coordinate industries and resources for national security; authorizes the detention and removal of individuals from foreign nation(s) with which the United States is at war; authorizes financial reward for information concerning the illegal introduction, manufacture, acquisition, export or conspiracies concerning special nuclear material or atomic weapons; and regulations for the anchorage and movement of vessels during national emergency. Other major provisions of Title 50: Addresses insurrection; definition and declaration of national security; air warning and defense; internal security and subversive activities; national defense contracts; chemical and biological warfare programs; war powers resolution and definition of national emergencies; international emergency economic powers; foreign intelligence surveillance; and defense against WMD. (JP 3-27)

Department of Defense Policy and Guidance

The following discussion identifies a number of key documents to make commanders and planners more aware of material that may assist in the planning and execution of the HS mission areas. Specific authorities for HS missions are contained in federal and state law and policy documents. These form the basis for the development of DOD guidelines. These guidelines are promulgated in a variety of methods that include national strategy documents, planning guidance, and DODDs. These policy documents are consistent with and complementary to the federal statutes and guidelines discussed earlier in this appendix. DODDs specifically address HD and CS missions.

DODD 2000.15, *Support to Special Events*. DODD provides definitions for a special event and support and outlines policy guidelines and responsibilities for DOD support of special events. It allows for the DOD component to designate a special events coordinator who is charged with providing timely information and technical support to the Assistant Secretary of Defense for Homeland Defense. (JP 3-26)

DODD 3020.40, *Defense Critical Infrastructure*. This directive establishes policy and assigns responsibilities for DCI activities as they apply to DOD, and authorizes ASD(HD/ASA) to issue instructions and guidance for the implementation of this directive. (JP 3-27)

DODD 5525.5, *DOD Cooperation with Civilian Law Enforcement Officials*.

This directive assigns responsibilities and provides policy and procedures to be followed with respect to support provided to federal, state and local law enforcement efforts. (JP 3-26)

Chairman of the Joint Chiefs of Staff Concept Plan 0500, *Military Assistance to Domestic Consequence Management Operations in Response to a Chemical, Biological, Radiological, Nuclear, or High-Yield Explosives Situation*. This plan provides SecDef with a wide range of military options to assist in the domestic CM operations in response to a CBRNE incident. It also informs geographic combatant commanders of the full range of their CM responsibilities and it provides information and guidance for the conduct of domestic CM operations. (JP 3-28)

CJCSI 3110.16, *Military Capabilities, Assets, and Units for Chemical, Biological, Radiological, Nuclear, and High-Yield Explosives Consequence Management Operations*. This instruction identifies and describes specific military capabilities, assets, and units potentially available to support military CM operations in response to CBRNE incidents. Although an actual CBRNE incident would involve a large array of DOD assets, this instruction primarily focuses on CM technical support and capabilities that are not generally found throughout the force. This instruction lists selected CBRNE-CM capabilities, assets and units by Service. (JP 3-28)

CJCSI 3121.01B, *Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces*. SRUF provide operational guidance and establish fundamental policies and procedures governing the actions taken by DOD forces performing CS missions (e.g., military assistance to civil authorities and military support for civilian LEAs) and routine Service functions (including antiterrorism/ FP duties) within US territory (including US territorial waters). The SRUF also apply to DOD forces, civilians and contractors performing law enforcement and security duties at all DOD installations (and off-installation, while conducting official DOD security functions), within or outside US Territory, unless otherwise directed by the SecDef. Additional examples of these missions, within the US, include protection of critical US infrastructure both on and off DOD installations, military assistance and support to civil authorities, DOD support during civil disturbance and DOD cooperation with federal, state and local law enforcement authorities, including CD support. (JP 3-28)

CJCSI 3121.02, *Rules for the Use of Force by DOD Personnel Providing Support to Law Enforcement Agencies Conducting Counterdrug Operations in the United States*. This instruction establishes rules regarding the use of force by DOD personnel during military operations that provide support to law enforcement agencies conducting CD operations in the US. It does not apply to US military units or personnel while under OPCON or TACON to the USCG in support of CD operations and does not apply to DOD support to CD operations outside the land area, internal waters, territorial sea, and airspace of the United States, as well as that of US territories, possessions, and commonwealths. Such operations are governed by Standing Rules of Engagement for US Forces or the Use of Force Policy issued by the Commandant, USCG, or other authorities. (JP 3-26)

CJCSI 3125.01, *Military Assistance to Domestic Consequence Management Operations in Response to a Chemical, Biological, Radiological, Nuclear, or High-Yield Explosives Situation*. This instruction provides operational and policy guidance and instructions for US military forces supporting domestic CM operations in preparation for responding to a CBRNE situation. This instruction only applies to domestic CM operations. This instruction is of specific importance to the geographic combatant commands with domestic CBRNE responsibilities. (JP 3-26)

CJCSI 3710.01A, *DOD Counterdrug Operational Support*. This instruction promulgates SecDef delegation of authority to approve certain CD operational support missions. It also provides, in accordance with the Fiscal Year 1991 National Defense Authorization Act, as amended, instruction on authorized types of DOD (Title 10) CD support to federal agency with lead responsibility, other government agencies, and foreign nations. (JP 3-28)

Contingency Planning Guidance (CPG) provides guidance to the combatant commands concerning contingencies and includes the prioritized regional objectives for DOD. The CPG is a concise, classified document that SecDef uses to inform CJCS of general and specific strategic areas of concern to the civilian leadership for which contingency planning should be conducted. The Joint Staff collaborates with OSD in the initial drafting of the CPG. The final draft is coordinated with CJCS before it is forwarded to SecDef for his approval and subsequent submission to the NSC for presidential approval. After the CPG is published, the Joint Staff translates the policy guidance into specific planning guidance and tasks and inserts them into the Joint Strategic Capabilities Plan (JSCP). (3-27)

Joint Planning Guidance is part of the Planning, Programming, Budgeting and Execution Process to allocate resources within DOD. The Joint Planning Guidance is the link between planning and programming and it provides guidance to the DOD components for the development of their program proposal, known as the Program Objective Memorandum. (3-27)

Strategic Planning Guidance (SPG). The SPG provides direction for DOD components to develop the Future Years Defense Program and the President's budget submission. The four defense policy goals are to assure, dissuade, deter, and decisively defeat. The goals are articulated in a planning construct of deterring forward and winning decisively while defending at home. The SPG additionally lists the priorities of SecDef: winning the Global War on Terrorism, strengthening combined/joint warfighting capabilities, transforming the joint force, optimizing intelligence capabilities, counterproliferation, improving force manning, developing and implementing new concepts for global engagement, strengthening our ability to fulfill our responsibilities in HS, streamlining DOD processes, and reorganizing DOD and the US Government to deal with prewar opportunities and post-war responsibilities. (JP 3-26)

Strategy for Homeland Defense and Civil Support. Articulates strategic goals and objectives and provides direction to relevant HD activities across DOD. These activities include deterring and preventing attacks, protecting critical defense and designated civilian infrastructure, providing situational understanding, and preparing for and responding to incidents. The strategy focuses on building needed transformational capabilities, enhanced maritime awareness and response capability, strengthened allied contributions to collective security, and improved support to civil authorities. (3-27)

Unified Command Plan. The UCP provides basic guidance to all unified combatant commanders; establishes their missions, responsibilities, and force structure; delineates the general geographical AORs for geographic combatant commanders; and specifies functional responsibilities for functional combatant commanders. (JP 3-26)

Appendix C: Understanding National Guard Duty Status

a. State Active Duty (SAD). The Governor can activate National Guard personnel to “State Active Duty” in response to natural or man-made disasters or Homeland Defense missions. State Active Duty is based on State statute and policy as well as State funds, and the Soldiers and Airmen remain under the command and control of the Governor. A key aspect of this duty status is that the Posse Comitatus Act (PCA) does not apply.

b. Title 32 Full-Time National Guard Duty. “Full-time National Guard duty” means training or other duty, other than inactive duty, performed by a member of the National Guard. Title 32 allows the Governor, with the approval of the President or the Secretary of Defense, to order a member to duty for operational HLD activities IAW the following sections of United States Code (USC):

(1) 32 USC 502(f). This statute allows members of the National Guard to be ordered to full-time National Guard duty to perform operational activities. It was used for the Airport Security mission after 9/11 as described in page 3 of this white paper and also for Hurricane Katrina and Rita response efforts.
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(2) 32 USC § 901. (1) The term ‘Homeland Defense activity’ means an activity undertaken for the military protection of the territory or domestic population of the United States, or of infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States.

(3) 32 USC § 902. Homeland Defense activities: funds. (a) The Secretary of Defense may provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities that the Secretary determines to be necessary and appropriate for participation by the National Guard units or members.

The key in this instance is that Federal Law provides the Governor with the ability to place a soldier in a full-time duty status under the command and control of the State but directly funded with Federal dollars. Even though this duty status is authorized by Federal statute, this section is a statutory exception to the Posse Comitatus Act; the Governor may use the Guard in a law enforcement capacity; and the chain of command rests within the State.

c. Title 10 Active Duty. “Active duty” means full-time duty in the active military service of the United States. Title 10 allows the President to “federalize” National Guard forces by ordering them to active duty in their reserve component status or by calling them into Federal service in their militia status IAW the following USC sections:

(1) **10 USC § 12301(d)** – Voluntary Order to Active Duty. At any time, a member of the National Guard may be ordered to active duty voluntarily with his or her consent and the consent of the Governor.

(2) **10 USC § 12302 – Partial Mobilization.** In time of national emergency declared by the President, the Secretary concerned may order any unit and any member to active duty for not more than 24 consecutive months.

(3) **10 USC § 12304 – Presidential Reserve Call Up.** When the President determines that it is necessary to augment the active forces for any operational mission, he may authorize the Secretary of Defense to order any unit and any member to active duty for not more than 270 days.

(4) **10 USC § 331 – Federal Aid for State Governments.** Whenever an insurrection occurs in any State against its government, the President may, upon the request of its legislature or of its governor, if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection. This section is a statutory exception to the Posse Comitatus Act.

(5) **10 USC § 332 – Use of Militia and Armed Forces to Enforce Federal Authority.** Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State or Territory by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion. This section is a statutory exception to the Posse Comitatus Act.

(6) **10 USC § 333 – Interference with State and Federal law.** The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it –

(a) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(b) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws. In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

This section is a statutory exception to the Posse Comitatus Act.

(7) **10 USC §12406 – Air and Army National Guard.** Air and Army National Guard call into Federal service in case of invasion, rebellion or inability to execute Federal law with active forces.

Table 1 summarizes the differing characteristics of SAD, Full Time National Guard Duty (FTNGD, Title 32), and Active Duty (Title 10). Table 2 summarizes the major mobilizations throughout the history of the National Guard.

Table 1. National Guard Duty Status Matrix

	State Active Duty	FTNGD (Title 32)	Active Duty (Title 10)
Command & control	State Governor	State Governor ¹⁵⁶	Federal President ¹⁵⁷
Who performs duty	The militia	the Federally-recognized militia (i.e., the National Guard) ¹⁵⁸	AC ¹⁵⁹ , RC and National Guard of US ¹⁶⁰
Where duty performed	CONUS IAW state law	CONUS	Worldwide
Pay	IAW state law	Federal pay & allowances	Federal pay & allowances
Federal reimbursement	IAW Stafford Act ¹⁶¹ or Coop Agreement ¹⁶²	N/A personnel costs paid by Federal funds	N/A personnel costs paid by Federal funds
Tort immunity	IAW state law	FTCA ¹⁶³	FTCA ¹⁶⁴
PCA¹⁶⁵ application	No	No	Yes
USERRA¹⁶⁶	No, IAW state law	Yes	Yes
SSCRA¹⁶⁷	No, IAW state law	No	Yes

¹⁵⁶ 32 USC 502(f)(1)

¹⁵⁷ Under Presidential Reserve Call-up (10 USC 12304), partial mobilization (10 USC 12302), or full mobilization (10 USC, 12302(a))

¹⁵⁸ 10 USC 3062(c) and 8062(c)

¹⁵⁹ Active Component

¹⁶⁰ 10 USC 3062(c) and 8062(c)

¹⁶¹ Stafford Act (42 USC 5121) for disaster-related activities

¹⁶² Cooperative agreement if to perform an authorized National Guard Act

¹⁶³ Federal Tort Claims Act (28 USC 2671-1680) [US represents and pays judgments if any]

¹⁶⁴ Federal Tort Claims Act (28 USC 2671-1680) [US represents and pays judgments if any]

¹⁶⁵ Posse Comitatus Act (18 USC 1385) [SAD and T32 Guard not considered part of active military]

¹⁶⁶ Uniform Services Civil Relief Act (38 USC 4301-4333)

¹⁶⁷ Soldiers and Sailors Civil Relief Act (50 USC App. 500-548, 560-591)

Glossary

Air Defense: All defensive measures designed to destroy attacking enemy aircraft or missiles in the Earth's envelope of atmosphere, or to nullify or reduce the effectiveness of such attack. (JP 1-02)

Air & Space Defense: All measures of Homeland Defense taken to detect, deter, prevent, defeat, or nullify hostile air, missile, and space threats, against US territory, domestic population, and critical infrastructure. (Joint Staff J7 working definition, modified. JP 1-02 definition of aerospace defense)

Asset. Contracts, facilities, property, electronic and non-electronic records and documents, unobligated or unexpended balances of appropriations, and other funds or resources (other than personnel).(NIPP 2006)

Capability: The ability to achieve a desired effect under specified standards and conditions through combinations of means and ways to perform a set of tasks. (CJCSI 3170.01E)

Catastrophic Challenges: Challenges involving the acquisition, possession, and use of WMD or methods producing WMD-like effects. (NDS)

Characteristic: A desirable trait, quality, or property that distinguishes how the future Joint Force should conduct military operations. (CJCSI 3010.02B)

Civil authorities. Those elected and appointed officers and employees who constitute the government of the United States, the governments of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, United States possessions and territories, and political subdivisions thereof. (JP 3-28)

civil emergency. Any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. (JP 3-28)

Civil defense. All those activities and measures designed or undertaken to: a. minimize the effects upon the civilian population

caused or which would be caused by an enemy attack on the United States; b. deal with the immediate emergency conditions that would be created by any such attack, and c. effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack. (JP 1-02)

Civil disturbance. Group acts of violence and disorder prejudicial to public law and order. See also domestic emergencies. (JP 1-02)

Civil Support (CS):

- Department of Defense (DOD) support to US civil authorities for domestic emergencies and for designated law enforcement and other activities. (JP 3-26)
- Civil Support, also referred to as Defense Support of Civil Authorities (DSCA)), missions are undertaken by the Department when its involvement is appropriate and when a clear end state for the Department's role is defined. (Strategy for HD and CS)

Consequence Management: Actions taken to maintain or restore essential services and manage and mitigate problems resulting from disasters and catastrophes, including natural, manmade, or terrorist incidents. Also called CM. (JP 1-02)

Continuity of Government (COG): A coordinated effort within each branch of government ensuring the capability to continue branch minimum essential responsibilities in a catastrophic crisis. COG is dependent on effective continuity of operations, plans, and capabilities. DOD COG activities involve ensuring continuity of delegations of authority (where permissible, and in accordance with applicable law); the safekeeping of vital resources, facilities, and records; the improvisation or emergency acquisition of vital resources necessary for the performance of Mission Essential Functions (MEF); and the capability to relocate essential personnel and functions to, and sustain performance of MEF at, alternate work sites(s) until normal operations can be resumed. (DODD 3020.26)

Continuity of Operations (COOP):

- The degree or state of being continuous in the conduct of functions, tasks, or duties necessary to accomplish a military action or mission in carrying out the national military strategy. COOP includes the functions and duties of the commander, as well as the supporting functions and duties performed by the staff and others acting under the authority and direction of the

commander. (JP 1-02)

- An internal effort within individual components of the Executive, Legislative, and Judicial branches of government ensuring the capability exists to continue uninterrupted essential component functions across a wide range of potential emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies. COOP involves plans and capabilities covering the same functional objectives of COG, must be maintained at a high level of readiness, and be capable of implementation both with and without warning. COOP is not only an integral part of COG and Enduring Constitutional Government (ECG), but is simply “good business practice” – part of the Department of Defense’s fundamental mission as a responsible and reliable public institution. (DODD 3020.26)

Critical Infrastructure. Assets, systems, and networks, whether physical or virtual, so vital to the United States that the incapacity or destruction of such assets, systems, or networks would have a debilitating impact on security, national economic security, public health or safety, or any combination of those matters. (NIPP 2006)

Critical Infrastructure Protection: Actions taken to prevent, remediate, or mitigate the risks resulting from vulnerabilities of critical infrastructure assets. Depending on the risk, these actions could include: changes in tactics, techniques, or procedures; adding redundancy; selection of another asset; isolation or hardening; guarding, etc. (DODD 3020.40)

Cyber Defense: All *defensive* measures (particularly computer network defense (CND)) taken to detect, deter, prevent, or if necessary defeat hostile cyber threats against DOD assets and the DIB. (DOD HLS JOC [Version 1.0] definition)

Defense Support of Civil Authorities (DSCA): DOD support, including Federal military forces, the Department’s career civilian and contractor personnel, and DOD agency and component assets, for domestic emergencies and for designated law enforcement and other activities. The Department of Defense provides defense support of civil authorities when directed to do so by the President or Secretary of Defense. (Strategy for HD and CS)

Disruptive Challenges: Challenges that may come from adversaries who develop and use break-through technologies to negate current US advantages in key operational domains. (NDS)

Effects: The outcomes of actions taken to change unacceptable conditions, behaviors, or freedom of action to achieve desired objectives. (CCJO)

Emergency Preparedness (EP): Measures taken in advance of an emergency to reduce the loss of life and property and to protect a nation's institutions from all types of hazards through a comprehensive emergency management program of preparedness, mitigation, response, and recovery. (JP 3-26)

End State: The set of conditions, behaviors, and freedoms that defines achievement of the commander's mission. (CJCSI 3010.02B)

Homeland Defense (HD): The protection of US sovereignty, territory, domestic population and critical defense infrastructure against external threats and aggression, or other threats as directed by the President. The DOD is responsible for HD. (Strategy for HD and CS)

Homeland Security (HS): A concerted national effort to prevent terrorist attacks within the US, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks that do occur. (National Strategy for Homeland Security)

Information Operations (IO): The integrated employment of the core capabilities of electronic warfare, computer network operations, psychological operations, military deception, and operations security, in concert with the specified supporting and related capabilities, to influence, disrupt, corrupt, or usurp adversarial human and automated decision making while protecting our own. Also called "IO". (JP 3-13)

Incident. An occurrence or event, natural or human-caused, that requires an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wildland and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response. (NIPP 6006)

Irregular Challenges: Challenges from those employing "unconventional" methods to counter the traditional advantages of stronger opponents. (NDS)

Joint Functional Concept (JFC): A JFC applies elements of the CCJO solution to describe how the joint force, 8 to 20 years into the future, will perform an enduring military function across the B - 4

full range of military operations. It identifies the operational-level capabilities required to support ROMO operations and the key attributes necessary to compare capability or solution alternatives. JFCs also determine any additional capabilities required to create effects identified in JOCs. (CJCSI 3010.02B)

Joint Integrating Concept (JIC): A JIC is an operational-level description of how a Joint Force Commander, 8 to 20 years into the future, will perform a specific operation or function derived from a JOC and / or JFC. JICs are narrowly scoped to identify, describe and apply specific capabilities, decomposing them into fundamental tasks, conditions, and standards for use in capability based assessments. Additionally, a JIC contains illustrative vignettes to facilitate understanding of the concept. (CJCSI 3010.02B)

Joint Interagency Coordination Group (JIACG): An interagency organization that establishes and / or enhances regular, timely, and collaborative working relationships between civilian and military operational planners. Composed of USG civilian and military experts accredited to the combatant commander and tailored to meet the requirements of the supported combatant commander, the JIACG provides the combatant commander with the capability to collaborate at the operational level with other USG civilian agencies and departments. (JP 3-08)

Joint Interagency Task Force (JIATF): A JIATF constituted and so designated by the Secretary of Defense and other Cabinet Secretaries who have provided forces, equipment, and / or personnel to build / establish an interagency task force to facilitate and accomplish a specified USG mission(s) and / or objectives. (JP 3-07.4)

Joint Operating Concept (JOC): A JOC applies the CCJO solution in greater detail to a specified mission area. It describes how a Joint Force Commander, 8 to 20 years in the future, is expected to conduct operations within a military campaign, linking end states and effects. It identifies effects and the broad capabilities considered essential for creating those effects. A JOC contains illustrative vignettes to facilitate understanding of the concept. Additionally, JOCs provide the operational context for JFC and JIC

development. (CJCSI 3010.02B)

Key Assets. Individual targets whose destruction would not endanger vital systems, but could create local disaster or profoundly damage our Nation's morale or confidence. Key assets include symbols or historical attractions, such as prominent national, state, or local monuments and icons. In some cases, these include quasi-public symbols that are identified strongly with the United States as a Nation.... Key assets also include individual or localized facilities that deserve special protection because of their destructive potential or their value to the local community. (NIPP 2007) Also see Key Resources.

Key Resources. As defined in the Homeland Security Act, "key resources" are publicly or privately controlled resources essential to the minimal operations of the economy and government. (NIPP 2007)

Land Defense: All measures of Homeland Defense taken to detect, deter, prevent, or defeat hostile land threats against US territory, domestic population, and critical infrastructure. (Joint Staff J7 working definition)

Maritime Defense: All measures of Homeland Defense taken to detect, deter, prevent, or defeat hostile maritime threats against US territory, domestic population, and critical infrastructure. (Joint Staff J7 working definition)

Maritime Interception: The detection, localization, evaluation, sorting, and possible stopping and boarding, by force if necessary, of commercial and noncommercial maritime traffic to deter, destroy, or seize contraband cargo, persons, or flagged vessels. These operations are carried out under the authority provided by international law, treaty, agreement, or United Nations resolution and sanction. (Joint Staff J-5 working definition)

Military Assistance for Civil Disturbances (MACDIS): A mission set of civil support involving DOD support, normally based on the direction of the President, to suppress insurrections, rebellions, and domestic violence, and provide federal supplemental assistance to the States to maintain law and order. (JP 1-02)

Military Assistance to Civil Authorities (MACA): The broad mission of civil support consisting of the three mission subsets of military support to civil authorities, military support to civil law enforcement agencies, and military assistance for civil

disturbances. (JP 1-02)

Military Support to Civilian Law Enforcement Agencies

(MSCLEA): A mission of civil support that includes support to civilian law enforcement agencies. This includes, but is not limited to: combating terrorism, counter-drug operations, national security special events, and national critical infrastructure protection and key asset protection. (JP 1-02)

Net-Centric Operational Environment (NCOE): The coherent application of seamless, integrated net-centric capabilities to the forward edge of the battlespace enabling full spectrum dominance. (Net-Centric Operational Environment JIC)

Traditional Challenges: Challenges posed by states employing recognized military capabilities and forces in well-understood forms of military competition and conflict. (NDS)

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